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THE

Parliamentary Debates

FROM

THE YEAR

1803

TO THE PRESENT TIME:

FORMING A CONTINUATION OF THE WORK ENTITLED
"THE PARLIAMENTARY HISTORY OF ENGLAND FROM THE EARLIEST
PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF
T. C. HANSARD.

VOL. XI.

COMPRISING THE PERIOD
FROM
THE ELEVENTH DAY OF APRIL
TO
THE FOURTH DAY OF JULY
1808.

LONDON:

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Parliamentary Debates

During the Second Session of the Fourth Parliament of the United Kingdom of Great Britain and Ireland, and of the Kingdom of Great Britain the Twenty-first, appointed to meet at Westminster, the Twenty-first Day of January, One Thousand Eight Hundred and Eight, in the Forty-eighth Year of the Reign of His Majesty King GEORGE the Third.

HOUSE OF LORDS.

Monday, April 11, 1808.

[ROMAN CATHOLIC PETITION.] Lord *Grenville* presented a Petition from the Roman Catholics of Ireland, praying that the disabilities respecting them might be removed; which was read at the table. His lordship stated, that there was an informality attached to it, in consequence of some of the names signed to it, not having been written by the persons bearing those names, although written by their authority. He believed, however, that petitions had been received where an informality of this kind existed, but where, as in this case, there were other names to the petition, signed by the parties themselves. He moved, that the Petition do lie on the table, and stated, that he should also move, that the lords be summoned for the 11th of May, with the view of then moving the consideration of this petition.

The Earl of *Moira* regretted, that upon this occasion, he found himself compelled to differ in opinion with his noble friend. His sentiments with respect to the object of the petition had been declared and were well known; but when parliament had so recently decided, and when so many persons stood pledged upon this subject, he could not concur in the propriety of discussing it in the present session. He thought, that the urging at this moment of these claims, tended rather to retard than to accelerate the object of the petitioners.

The *Lord Chancellor* observed, with respect to the informality, that where such informality existed, the reception of the petition was a matter of courtesy.—The Petition was ordered to lie on the table.

Lord *Grenville* observed, with regard to what had fallen from his noble friend, that he had not advised the presenting this petition; neither had he given any opinion respecting it, his advice not having been asked. He had stated, on a former occasion, his opinion, that it would not be expedient for the catholics to petition at the present moment; they, however, might be influenced by circumstances of which neither he nor any one besides themselves could judge. All he was anxious to state was, that he had not advised the presenting of this petition, neither had he given any opinion against presenting it; nor did he mean now to give any opinion on the subject. Perhaps, if he had known the circumstances that led to the petition, he might have thought it expedient that it should be presented. The petition however having been presented, he should call the attention of the house to the question, whether it was not fit that the matter of the petition should become a subject of discussion. Understanding that the 13th of May would be more convenient than the 11th, he moved that the lords be summoned on the 13th.—Ordered.

HOUSE OF COMMONS.

Monday, April 11.

[Royal Naval Asylum.] Sir *Charles Pole* rose, in pursuance of his notice, to move a certain Resolution relative to the above institution, somewhat similar to that which he had lately proposed as to Greenwich Hospital. He knew it would be objected to what he was about to propose, that this charitable institution had been originally supported by private voluntary donations, but it appeared to him to be now under the immediate management of government, the more especially as parliament had been called on to vote considerable sums of money for its support. No doubt the private donations from other individuals were very important, but still there appeared no reason for separating its mode of management from that of Greenwich Hospital, as described in the Charter. Here the hon. baronet gave a statement of the most important public and private contributions to this Asylum. He observed, that a very large portion of that called "private contribution" was given from the Patriotic Fund, which was avowedly for the purpose of relieving the distresses of the relations of those who fell in the naval battles of their country. Surely, then, the offices of this charitable and naval institution could not be better bestowed than upon those who had survived these battles, but unfortunately were disabled. The sum subscribed by the Patriotic Fund amounted to 40,000*l.* and such being the intention of that fund, it surely never could be supposed, that other persons subscribing small sums could mean that their donations should be bestowed otherwise than upon individuals connected with the navy. They could never imagine they were subscribing towards the relief of persons, such as those already appointed to offices in that Asylum, who were as far removed from the naval service as the Great Mogul. The house were formerly told, that the office of Auditor of Greenwich Hospital must be filled by a lawyer, that Hospital possessing great sugar estates, and also great estates of other descriptions in the North; but, in the present case, what was there of law business to transact for the Naval Asylum? It was not, however, a lawyer that had been appointed to the Asylum, but a wealthy clergyman, who, for doing little or nothing, was to enjoy, in addition to other income, a salary of 300*l.* a-year as Auditor. Besides which, he was to possess a free house and garden; and a very large sum of money had been laid out in repairing a house for his residence, amounting, he believed, to about 1700*l.*; and added to all this, even furniture for the house. He really was convinced the duties of the office he alluded to might be performed by some poor wornout or disabled naval or marine officer at a salary less than 100*l.* a-year; but instead of this, no less than 700*l.* was thus squandered away upon a spiritual gentleman, who had no occasion for any assistance whatever. Another thing he should object to upon this establishment was, the appointment of a surgeon who had never been at sea during his life, and inducing him, by a great salary, to give up his private practice, instead of appointing a naval surgeon, who would be less expensive and more thankful for the favour bestowed upon him. There were various other appointments, which he thought objectionable, such as the clerk to the institution, the clerk of instructions, &c. but the chief ones were those he had mentioned, the auditor and the surgeon. He had no difficulty in saying, that the persons who had appointed an Irish clergyman to the office of auditor of the Naval Asylum, had done wrong, if they knew that he was already possessed of four church livings in Ireland, and a glebe land so extensive, as to contain 540 Irish acres. The gentleman he alluded to was Dr. Thomas Brooke Clarke, to whom besides, there had been granted several very large sums, by resolutions of the house, as might be seen by their Journals. Here certain Resolutions were read by the clerk, at the desire of the hon. baronet. Amongst these was the sum of 556*l.* granted to Dr. Thomas Brooke Clarke, for his trouble in enforcing the residence of the clergy, whilst he himself intended to establish his residence at the Naval Asylum, instead of being at any of his livings in Ireland. This rev. doctor was also secretary to the library of the prince of Wales. Had all this been known when this reverend divine was recommended, he certainly thought he could not have been appointed to that lucrative situation. There were many of the old disabled officers in the navy, with large families, who would have been most thankful and grateful for the appointments of auditor, surgeon, or clerks to the institution. He should now sit down with the hope that the Resolution which he should propose, would meet with some consideration; for in doing this they were saving the public money, and adding to the comforts of those really entitled to relief, and who would ever be grateful for the favour bestowed. It was with that view that he should propose this Resolution, "That it appears to this house, that the appointment of competent and qualified persons from the naval and marine service to hold offices and employments in the several departments of the Royal Naval Asylum will be productive of much advantage to the empire, by materially encouraging the naval service, and diminishing the public expenditure."—This Resolution the hon. baronet said, if acceded to, he should follow up with another, for an Address to his majesty, praying that he would be graciously pleased to take the most summary means of carrying that object into effect.

Mr. *Rose* said, he was happy to concur with any motion that was made for the benefit of those who served in the navy, or the near relations of those who fell in battle; but he must inform the house, that the present motion was unnecessary; as the commissioners were framing regulations for the conduct of the Naval Asylum. Two years ago an account of the state of the Naval Asylum was laid before the house, and the hon. admiral now only came forward with a pompous parade of his complaints, though he never said any thing on the subject while he was himself one of the lords of the admiralty. The institution was established originally by voluntary subscription; and when it was taken under the protection of his majesty, and the duke of Cumberland was appointed president, it was then agreed to retain Dr. Clarke, who first suggested the idea of the institution, and two commissioners, at the request of the original subscribers. He declared that he was not personally acquainted with any of the parties, nor did he recommend a single person to any office, and for these reasons he moved the previous question.

Mr. *Whitbread* said, if the right hon. gent. had imputed to his hon. friend the charge of having brought forward the present motion with that simplicity, manliness, and good sense which distinguished all his efforts in that house, it would have been a charge more likely to be credited than that of parade and ostentation. As to the motion itself, he could see no one ground for rejecting it. He thought it very strange, that a person who had been so active in informing against non-residents, should himself have been all the time a stranger in Ireland, though possessing two such lucrative livings there. He thought it upon the whole so gross a job, that he did think the house was bound, not merely to agree to the motions of his hon. friend, but to follow them up with an address to his majesty, for the immediate dismissal of that gentleman from a situation he must be in every respect so incompetent to fill.

Mr. *Biddulph* said, that he had never heard of a transaction, that could with greater justice be termed a job, than the appointment of Dr. Clarke; but could not agree with his hon. friend on the floor in his expression of surprize, that the reverend doctor should himself prove to be one of the non-residents he had been so active in detecting; as it appeared to him to be nothing more than an illustration of the truth of the homely proverb, "set a thief to catch a thief."

Mr. *Lockhart* entered into a vindication of the character and conduct, and appointment of Dr. Clarke, who, he said, was a gentleman of high respectability and accomplished manners; and such a man only was fit for the situation he filled, and the official intercourse he had to maintain. His employment, however, was not such as could be easily filled, as the hon. admiral stated. He had not only the disbursements of the charity to audit, but the accounts of the officers in every department. He had to prepare the estimates, to manage the contracts, and to examine the accounts of all the builders and other tradesmen employed. Besides, to his superintending care of this institution in its infancy, was its present existence owing; and his continuance in the situation which he held from the beginning, was at the special and stipulated recommendation of the private subscribers, who had contributed 40,000*l.* to the undertaking. He could not, however, reconcile the zeal of the hon. admiral for economy, and his abhorrence of profusion, with his declaration this night that he should not have thought any thing of the extravagance he arraigned, had the fruits been enjoyed by naval men.

Mr. *Windham* supported the motion. He said, an hon. member had given a very comical reason for the appointment of doctor Clarke, viz. that he had good will to the navy. Why, upon the same ground every man should become an auditor, for every one bore good will as well as the good doctor; it was said, however, that the doctor was concerned the origin of the institution; aye, so it seemed, for he took especial care to provide for himself. The good doctor was so fond of charity, that he was determined to follow it in all its branches, and so let it begin at home. It put him in mind of some pious founders of a temple, who, in their great and ardent zeal, made a niche for themselves. But the good doctor was a man of liberal education and therefore fit for the office! But if every man of liberal education were to put in his learning as a plea, pray how many auditors should we have? He did not think the general objection to the doctor's appointment was at all done away by this enumeration of his qualifications. It was said, that it would be a breach of the contract entered into by the founders of this institution with the crown, on its receiving the royal charter. However, that could be no reason why the house should not interfere to remedy an abuse. Gentlemen were however ready to cry out, 'what, do you attempt to throw impediments in the way of good actions? Will you repress charity?' &c. This was not his desire; he wished to prevent the perversion of charity; he wished to counteract the injustice of putting a man not in the naval service nor at all connected with it, in the situation purposely formed for the protection of distressed naval characters.

The *Chancellor of the Exchequer* observed, that at the commencement of the institution, it was made a point by the founders that Dr. Clarke should be placed in his present office; and it would be a little hard if he who was himself one of the first founders of this establishment should be himself precluded from all its advantages. An hon. gent. (Mr. Whitbread) thought a great point was gained for him by the motion for the residence of spiritual persons in Ireland, since he had found out that Dr. Clarke possessed livings to a great amount. This very bill should set the hon. gent. at ease, for by it Dr. Clarke would be reduced to the dilemma of either relinquishing his valuable livings, or of relinquishing the situation of auditor of the Naval Asylum.

Sir *Charles Pole* said a few words in reply, in which he stated the case of a purser who had served a long time in the navy, and who certainly was full as competent to fill the situation of auditor as a doctor of divinity.—The house then divided, For the Resolution, 46; Against it, 71. Majority, 25.

[Irish Supplies.] The Chancellor of the Exchequer moved, that the house should go into a committee of supply, and that the Irish miscellaneous estimates for various schools, charities, &c. should be referred to the committee.—Ordered.

Mr. *Foster* proposed the usual annual grants. He stated, that he would postpone any of them on reason assigned.

Mr. *M. Fitzgerald* hoped he would postpone the whole, as the papers were not yet printed. He objected particularly to the grant of 1,200*l.* for 250 copies of the statutes for the use of Ireland, on account of the negligent manner in which they were distributed among the magistrates.

Mr. *Foster* agreed with the right hon. member as to the irregularity of the distribution, and promised to attend to that subject; but this was merely for 250 copies for the use of the public offices. He saw no reason for postponing the whole of the propositions.—The grant was then agreed to.—On the proposition for grants to various clerks in public offices,

Mr. *Biddulph* observed, that no statement had been made respecting their necessity. He thought that some explanation ought to have been given as to the insufficiency of the salaries of these officers, before these sums were voted by parliament.

Mr. *Foster* said that these grants had been always made ever since he had been in parliament.

Colonel *Barry* also stated, that the sums had been always allowed by the Irish parliament, and that the officers looked to them as part of their emoluments.

Mr. *Biddulph* would not oppose them now, though he was not quite satisfied with the answer, and would inquire further into the subject.

Mr. *Foster* observed, that the hon. gent. might find in the journals what these officers had done for the grants.

Mr. *Tierney* said that the question was, whether their regular salaries were not a compensation for their trouble? If they were not, he thought that an addition to their salaries would be a better mode of rewarding them than these annual votes.—The grants were then agreed to.

Mr. *Parnell* wished that the grant of 23,103*l.* to the incorporated society of Dublin for the encouragement of protestant chartered schools, should be postponed. The reason he gave was, that a document which related to this grant had only come into his hands as he was entering the house. This was a catechism which was put into the hands of the children, having a tendency to encourage religious animosities.

Mr. *Foster* hoped the hon. gent. did not wish to prevent this charitable institution from receiving the necessary supplies for the present year, because he objected to the principles on which it was founded. These might afterward undergo alterations, but the present grants were absolutely necessary.

Mr. *Tierney* thought the matter might be compromised by granting a small supply for the present, and afterwards, when a larger supply came to be voted in another committee, the subject might be thoroughly investigated.

Dr. *Duigenan* said, he did not feel at all surprised to perceive the hon. gentlemen opposite anxious to oppose the prosperity of the Protestant establishment. This establishment was solely for deserted and helpless children, who were, in consequence of their forlorn condition, received into these schools, and educated in the Protestant religion. During the vice-royalty of the duke of Bedford, these schools had been subjected to the examination of a committee, by no means overstocked with Protestant zeal. Their report was highly favourable to the institution. The grant had been uniformly made, for 50 or 70 years back, without any objection. The catechism in use, he believed, was the usual Protestant catechism, set forth in the Rubric, and was calculated to correct the political errors of the Roman Catholics, which were founded on their monstrous religious tenets.

Mr. *Parnell* said, the catechism was very different from that in common use. The first question in this catechism, he stated, was, 'What religion are you of?' To which the child was taught to reply, 'I am, thank God! a Protestant.' Such opinions were merely calculated to revive all those latent sparks of animosity, which, but for the culpable industry of some, might have long since been extinguished. The whole system of education in those schools, he maintained, was destructive to the peace and tranquillity of that people, who had been too long and too lately reminded of those mischievous and unfounded assertions, those envenomed calumnies, and antiquated stories, which had hitherto been employed most effectually as the means of exciting those against each other, whose natural benevolence of disposition must have, in the ordinary course of things, led them to unite in peace, concord, and the common cause and general welfare. He was happy, however, to find these calumnies and gossippings seemed of late rather to be confined to that house. He should not have any objection to the present grant, but he nevertheless thought it his duty to state his intention of bringing the whole establishment very shortly under the review of parliament.

The *Chancellor of the Exchequer* thought the opposition of the hon. member, even supposing he had the document to which he wished to refer the house now in his hand, perfectly irregular, since there could be no motion made in the committee for the reformation of the general establishment.

Mr. *M. Fitzgerald* maintained, that the antiquity of these establishments and grants were alone but sorry reasons for their continuance. Many others, which had commenced nearly about the same time with these, loudly called for abolition. It was not the character of the lower order of Irish to neglect their children, nor were the Catholics of Ireland the most prone to commit this unnatural crime; they had at least the feelings and humanity of men, if they had not their political advantages. He maintained, that the children educated in these schools were not proper objects of charity. Their education and temporary support were too often made the means of purchasing them perhaps by the inadvertence of their parents, from the religion of their forefathers. Hence whatever pains might be taken, there was not above one-fifth of those who received their education in these schools, who were added to the number of the established church. It was, then, a great delusion held out to parliament to suppose the supplies yearly granted for this purpose were in any degree proportioned to the advantages the country received. In most Catholic and remote parts of Ireland, those schools had been much on the decline, while they had proportionally increased within the vicinity of Dublin.

Mr. *Elliot* rose to justify the character of the board appointed under the government of the duke of Bedford. By enumerating some of the persons who composed that board, he thought he could justify them from any intentions hostile to the established religion. These were the primate of Ireland, the provost of Trinity

College, Dublin, the chief justice, and several others connected both with the government and the established church.

Dr. *Duigenan* said, the evils of Ireland were of a particular description, and arose from the prejudices of the lower order, and the mischievous principles disseminated by misguided and depraved characters of the higher order. The publications of the day were fraught with the venom of party; and a late pamphlet published in Dublin by an association of priests, to the amount of 110, had set forth a detail of all the flagitious and criminal misrepresentations of the conduct of England to Ireland. When such extravagancies were committed without reprehension, he was almost surprised to hear there existed in Ireland an Attorney-General.

Mr. *Parnell* thought these works, if they did exist, had been published by way of reprisals; many of a very inflammatory nature having been published on the opposite side of the question, by the friends of the learned doctor. He had still, however, to congratulate the country, from the disposition betrayed by the learned doctor, that he did not fill the situation of Attorney-General for Ireland.—This Supply was also granted.

The house then resumed; the report was brought up, and ordered to be received to-morrow.

[Budget.] The *Chancellor of the Exchequer* moved the order of the day for going into a committee of Ways and Means, to which the account of the Surplus of the Consolidated Fund was referred.—The house having resolved itself into the said Committee, the right hon. gent. rose, pursuant to his notice, to submit to the committee the arrangement which he intended to recommend to parliament to adopt respecting the Stamp Duties, from which he proposed to derive a portion of the ways and means of the year. But, before he should enter into that part of the statement which he was to submit to the committee, he felt it necessary, in order to justify the vote with which he meant to conclude, to recapitulate the amount of the Supplies, which had already been granted in the course of the present session. By enumerating the different items of Supply already voted, and the Ways and Means available at present to cover them, he should point out to the gentlemen opposite, the ground upon which he brought forward the specific arrangement which he was to submit to the consideration of the committee. The right hon. gent. here went through the various items of Supply which had been voted in the present session under the various heads of Navy, Army, Barracks, Commissary General's Department, Extraordinaries, Ordnance, Miscellaneous Services, and Swedish Subsidy. The whole of the sums voted amounted in the aggregate to 48,653,170*l.* from which was to be deducted the proportion that was to be furnished by Ireland, viz. 5,713,566*l.* which would leave a sum to be defrayed by Great Britain, of 42,939,604*l.* These sums he stated upon a rough estimate, which, however they might vary from perfect accuracy, would yet be found to correspond pretty exactly with the actual state of the accounts.—Having gone through the Supplies, it next became necessary for him to state to the committee the various Ways and Means which had hitherto been provided for covering these supplies. The house had already voted upon Malt and Pensions three millions. The sum usually voted was 2,750,000*l.*; but it was thought more expedient to take the amount of the tax at the round sum of 3 millions, which it produced, the effect of which would only be to reduce the surplus of the consolidated fund by the sum of 250,000*l.* the difference between the vote of three millions and the usual amount at which the Malt and Pension tax were usually estimated. The advances from the Bank amounted to 3,500,000*l.* The unappropriated surplus of the consolidated fund which his hon. friend would move in the present committee, was, on the 5th of April, 726,870*l.* Upon a rough estimate he was warranted in taking the war taxes at twenty millions. The committee would be aware, that the duties to be levied under the Orders in Council were applicable to the war taxes, and therefore he felt the more confidence in taking their amount at 20 millions. The Lottery he should take at the sum of 350,000*l.* which was undoubtedly less than it had produced in the present year, but he did not think he could estimate its produce higher than the amount he had stated. It would be in the recollection of the committee, that the sum of four millions of Exchequer Bills had been funded in the course of the present session, and that in submitting that measure to the house, he had stated that it was intended to issue 4 millions of Exchequer Bills in place of those funded, as part of the ways and means of the year. By adding to these different items the sum of

8 millions, which was the whole of what he apprehended would be wanted for the service of the present year, the aggregate amount would be 39,576,870*l.* To this aggregate was to be added the surplus of the Consolidated Fund, which he proposed to take at 3,500,000*l.* which would carry the Ways and Means to 43,076,870*l.* yielding a surplus of Ways and Means above the Supplies of 137,000*l.* The surplus of the Consolidated Fund, the committee would recollect, had been taken last year at 3,750,000*l.* but had produced a further sum of 726,870*l.* making altogether 4,476,870*l.* But as the increased vote upon Malt and Pensions would diminish the produce of the Consolidated Fund to the amount of 250,000*l.*; and, however sanguine his view might be of the state of the trade of the country, he could not but admit, that from the measures of the enemy, and the consequences of the course in which that trade was now to be carried on, some reduction might take place, though not to any material extent.—And here he could not, in passing, abstain from adverting to the operation by which four millions out of the twelve, which were the whole to be borrowed for the year, had been obtained by funding Exchequer Bills to that amount. As far as could yet be judged, there was every reason to believe that the transaction was highly favourable for the public. There was a saving to the amount of the interest of the Exchequer Bills thus withdrawn from the market.—The Committee was aware, that subsequent to the transaction the funds had risen, and he entertained at the time an expectation that the contract for the future loan would be made upon much more favourable terms for the public, than if these four millions were to have been borrowed on a 5 per cent. fund.—Having stated the Supplies, and the Ways and Means by which they were to be covered, it was in the next place his duty to state by what means he purposed to provide for the interest, charges, and sinking fund of the exchequer bills funded, and of the proposed loan, which amounted to a sum of 750,000*l.* There existed at present a sum of 380,000*l.* applicable to that purpose, being the amount of the short annuities which had fallen in. There was likewise a saving upon the management of the public debt of 65,000*l.* By the new arrangement with respect to the assessed taxes, a sum of 125,000*l.* would be produced, and the arrangement which he meant to propose, for an improved mode of collecting the duties on stamps, would be calculated to yield 200,000*l.* The whole of these sums would amount to 770,000*l.* being a small excess above the sum actually required.—He came next to state the view upon which he grounded the arrangement he had to propose with respect to the Stamp Duties. The committee were aware, that, in the course of the last year a principle had been recognised by parliament, founded upon the suspension of all taxation for 3 years, and for resorting to the war taxes to cover the necessary charges of loans. The policy of this principle had met with the concurrence of all sides of the house, though some of the provisions of the measure founded upon it had been canvassed. Having stated this, he was bound to explain to the house why he had thought it necessary to depart from the principle in the present instance, by proposing to lay on additional taxes, to the amount of above 300,000*l.* and it certainly was not because he had considered the principle laid down by the noble lord who preceded him unwise. He had felt how desirable it was to consolidate the different acts relative to the Assessed Taxes and the Stamp Duties, and considered that a good opportunity when making improved regulations for the collection of both, to make a small addition in certain items. He had already done so with respect to the Assessed Taxes, and he was now to propose a similar course with respect to the Stamp Duties. If by these means, without adding considerably to the burthens of the public, they could contrive to provide for the present year, they might in the next and following years resort to the principle, which had been so generally approved of, unless upon a review of the state of the taxes, whoever might fill the situation he occupied, should be of opinion, that by regulation or modification a supply could be obtained without increasing the pressure upon the public, and to relieve the war taxes. The committee would recollect that the Stamp acts had been consolidated in the year 1805, the new schedule of the Stamp Duties having been prepared in the year 1804, and containing within a short compass all the duties on Stamps. The number of acts relating to Stamp Duties amounted to 60 or 70, and those for the collection of them made the number on the statute book nearly 100. It was thought desirable to consolidate all the acts relating to the duties into one, as also those for the regulation and

collection of the duties. The former had been consolidated, but the latter had not, and notwithstanding the ability and industry exerted by the commissioners and other officers of the department, he should not be able to bring forward a proposition for that purpose this session; but the business was in such a train, that whoever might fill the office he held, would have it in his power to bring the measure forward. The amended schedule would be prepared in the present session, so that the different items might be open for consideration previous to the passing of the act. The manner in which the schedule was to be prepared was by disposing of the several duties under different heads, by a distinct arrangement, in alphabetical order, so as to afford a ready reference to any person who might desire to know what particular duty would be applicable to his case. There were various instruments at present charged under the name of deeds, which would be referred to their respective heads, though it was not deemed right that any addition should be made to the amount of duty at present attaching to them. Another alteration would be made in certain duties now levied in Scotland. Towards the close of king William's reign two Stamp acts had been passed, to provide for the interest of debts incurred. One was temporary, the other permanent. At the time of the Union with Scotland, it was stipulated that neither should ever be levied in that country. The temporary act had now expired, and the duties were now legally leviable in Scotland, but the duties under the permanent act could not be levied there. Much inconvenience was experienced in the collection of the duty, and by the persons upon whom it was levied, in consequence of the fractional differences between the amount of the duty there and in England. But this was not a ground for depriving the Scotch of the advantage of their articles of Union; and, therefore, in proposing to equalise the duty in both countries, he meant to remunerate Scotland, by a reduction of the duty on all instruments to be used in Scotland. The addition to the amount of the duty would arise from an application of the ad valorem principle to other instruments, than those to which it at present applied. It had on a former occasion, been in contemplation to apply that principle to all conveyances of real property, by making the instrument invalid if the stamps were not of the legal amount. But, as it would be hard to render an instrument of no effect merely because of the stamp not being of the legal amount, the design was abandoned. He did not mean to carry his provision to that extent, but that a specification should be made of the amount of the consideration, and the duty on the stamp should be in proportion. And he proposed to apply this principle, not only to all conveyances of real estates, but to the admission to offices of courts and government. At present the duty was 20*l.* upon all offices of the courts, without regard to the amount of the income. He should propose to reduce the duty upon the lower offices, and to raise it upon the higher offices. Upon all offices, the income of which should not exceed 60*l.* no duty should attach; upon all over 60*l.* and under 150*l.* the duty would be 8*l.*; upon all over 150*l.* and under 300*l.* it was to be 20*l.*, and so in proportion upon higher incomes. It was also proposed to make some alteration in the duty on indentures, but not to carry it higher than it was before the year 1804, and in some cases to reduce it lower. There was likewise some addition expected from the duty on Attornies indentures. The duty at present on articles of indenture, to an Attorney of the superior courts, was 110*l.* and of the inferior courts, 55*l.* The same duty which applied to indentures to solicitors in chancery should also apply to proctors, for he could not see why, when the advantage was equal, the parties should not be subject to similar duties. He proposed that the duty of 55*l.* should extend to indentures to the writers to the signet in Scotland. In the duty on collations and donations, a small alteration was to take place; for where they gave the right as fully as induction and institution, the duty which did not at present attach was to apply. With respect to enfeoffments, a small addition was to be made; the duty being at present only 1*l.* 10*s.* it was proposed to raise it to 3*l.*; the duty applicable to another mode of conveying real estates by lease and release. An addition was also proposed to the duty on the grant of honours and preferments. The duty was at present but 20*l.* in all cases. In Ireland, the duty on the creation of a duke, marquis, or earl, was 200*l.*; on the creation of a viscount, 150*l.*; and on the creation of a baron 100*l.* and he could see no reason why this country should not adopt the same rate of duty which existed in that. Some slight alteration was to be made in the duty upon the grant of leases of crown lands. At present it was 20*l.* and where the lease was beneficial, that was not an improper duty; but as under the present regulations, the leases of crown lands were no more beneficial than those of any private individual, the duty ought not to be levied unless where the lease was beneficial. The public would not be a loser by this reduction, because the party always paid less in proportion to the amount of the duty. Upon the grants of money and pensions, it was proposed that the duty should attach upon the ad valorem principle on the higher grants, though it would apply on a reduced scale to the lower. A duty was also to apply to policies of insurance on lives, which had been exempted in 1804, though there was no reason why they should be so exempted. Another head to which he wished to call the attention of the committee, was the case of Promissory Notes re-issuable, issued by persons calling themselves bankers. He proposed that every person issuing such re-issuable notes should pay 20*l.* a-year for a licence. The duty upon such notes was at present 3*d.* each, and he proposed to raise the duty upon all to 4*d.* each, but when the notes were payable only in one place, the duty was to be 6*d.* each. Another alteration was intended relative to the manner of transferring the shares of Joint Stock Companies. At present the duty was collected only in proportion to the nominal value, but it appeared to him that it should be in proportion to the real value. As to Law proceedings, they were already so highly burthened, that no addition could possibly be made to them. There were only some small instances, which could scarcely be considered but as omissions in the year 1804. Thus he proposed a duty of one shilling on all summonses before a master in chancery. With respect to probates of administration in Scotland, the duty was to apply in the same manner as in England. As to legacies, the duty applied on all above 20*l.*, except a residue, and then the duty did not attach till the residue amounted to 100*l.* It was proposed that the duty should apply indiscriminately to residue and legacies. It remained for him only to explain how the principle he stated was to apply to conveyances. The duty at present was 30*s.* on all conveyances of land. This duty he proposed to lower on the conveyances of smaller property, and to raise it in a proportion to the value on the higher degrees of property. In all cases where the consideration should not exceed 150*l.* the duty was to be 1*l.*; between that and 300*l.* 1*l.* 10*s.*; between 300*l.* and 500*l.* 2*l.* 10*s.*; between 500*l.* and 750*l.* 5*l.*; between 750*l.* and 1000*l.* 7*l.* 10*s.*; but in no instance to exceed one per-cent. upon the consideration. Upon these instruments and the re-issuable promissory notes, he calculated for the advance in the amount of the stamp duties to the extent of 200,000*l.* And he had brought this forward before the recess, in order that gentlemen might have the longer opportunity of considering the different parts of the measure by referring to the Schedule which they would have in their hands. If he had omitted any thing in the Schedule, he should be happy to avail himself of the suggestion of any hon. gent. to supply the omission. He was aware that it would have been more consonant to the usual practice to have kept back this statement till after the Loan should be contracted for, but it appeared to be much more for the convenience of the house, that they should be put in possession of the statement in time to afford an opportunity for mature consideration. The right hon. gent. concluded with renewing his first Resolution, stating the unappropriated surplus of the Consolidated Fund, on the 5th of April, 1808, to have been 726,870*l.*—On the question being put,

Mr. *Biddulph* thought the arrangements for the service of the present year might and ought to be made without any additional taxes. He recommended the creation of a contingent fund by the sale of Crown-Lands, to which the public might become tenants. The sums for which Crown rents might be sold were almost inconceivable. One hundred pounds had been demanded of him for a rent of 8s. 9d. Such parts as might be sold to advantage might be disposed of, and the sum of 600,000*l.* might easily be created, so as to be available after the first dividend; the surplus of the Consolidated Fund to be brought in aid, whenever any deficiency should require it.—After a few observations from Mr. Tierney, Mr. Giddy, Mr. Vansittart, and Mr. Huskisson, the 1st resolution was voted, and the report was ordered to be received to-morrow.

[Offices in Reversion Bill.] On the question for the third reading of the Bill,

Mr. *Whitbread* said, that it had been the inclination of his mind to have opposed the third reading of this Bill, in order that the house might take another course, which would have appeared to him more suitable. Having however conversed much upon the subject with his hon. friends who sat near him, he had consented to give up his former intention, and not to oppose the third reading. He must say however, that he conceived that that house was extremely tender and cautious of any difference with the house of lords, especially when it was recollected that the house of lords had now rejected a second time, a bill which had passed that house almost unanimously, on the recommendation of a committee specially appointed to enquire into the situation of the public finances. That committee had pointed out ways and means to the amount of 65,000*l.* annually, which was an object of important consideration. As the house of lords had twice rejected a bill which came from such strong recommendation, he could not but doubt very much whether they would adopt the expedient that was now proposed to them. He thought the conduct of his majesty's ministers was somewhat suspicious. The right hon. chancellor of the exchequer had suffered the bill to pass through that house without the slightest opposition, and afterwards, by his own confession, concerted with a noble lord (Hawkesbury) to move an amendment to it in the other house. He thought it not very decorous for the right hon. gent. to confess in that house, that he had connived with any of his colleagues to defeat the object and intention of a bill which he suffered to pass through that house without opposition. These circumstances made him very diffident of the success of the expedient that was now proposed, but nevertheless he should not oppose the third reading of the bill.

The *Chancellor of the Exchequer* maintained, that in conniving, as the hon. gent. termed it, with his colleague in another house, he had only been actuated by a wish, that the house of lords should not completely defeat a bill which had been approved of by that house. He saw no chance of its passing the house of lords without the amendment which had been proposed. If there was any thing improper, to the ideas of the hon. member, in the suggestion of that amendment to his colleague, he could only say, that he was not aware of any such feeling.

Mr. *M. A. Taylor* expressed himself decidedly hostile to the present bill, because it did not, in his mind, tend to remedy the evil it professed to prevent altogether. He considered it merely as a compromise made with a party that nobody knew, and which that house ought not to submit to. The bill in itself was certainly either good or bad. If it were good, it ought to meet the universal concurrence of the house; if it were bad, it was entitled only to general rejection. It ought however to be recollected that it was recommended by a committee especially appointed by that house to enquire into and take into consideration the state of the finances of the country, who had recommended the measure as a primary step towards making much more extensive and important reforms and retrenchments; and he did not perceive that it was opposed by any one, save those who were decided enemies to any reform at all. Taxes to a very great amount had been imposed on the people, and he allowed most properly imposed; because their safety, and security in every thing that was dear to them depended on it. No man should however tell him, that places could be suffered to be given to sucklings, without the greatest disadvantages resulting therefrom. The chancellor of the exchequer was supposed to have a considerable share of power over the king's conscience; and how could he in any reasonable way grant a reversion of that? He could not but feel hostile to the bill altogether; but the preamble was sufficient to make him so, for it went only to suspend that which he thought should be entirely abolished; and he was sure the country looked for something more effective than such a half measure. He called the attention of the house to the situation of the country—to the very heavy taxation to which the people were liable; and yet he was happy to say, there never was a period in the history of the country in which the people shewed a warmer zeal for its interests, or a more determined loyalty towards the existing government.

Mr. *Fuller* thought the house was not in a situation to give an opinion of what gentlemen on the other side would be at; at one time they were satisfied with the bill, now they were dissatisfied. It was impossible to understand their meaning. They had talked a great deal about places in reversion, and of the necessity of shutting the book. Why had not the minister of the day, to whom those gentlemen were attached, who received 24,000*l.* a-year of the public money—why had not he been the first to shut the book? [Here there was a cry of name!, name! which continued for some time, until—

The *Speaker* observed to the hon. gent. that he must see the inconvenience resulting from allusions to former debates.

Mr. *Fuller* proceeded. He thought there never was a time so ill calculated to bring forward such a subject. When the country had a minister who set himself forward as an honest man, which he certainly was, he could not help considering an opposition of this kind as the most unprincipled that ever existed. They only wished to set themselves up in the places of the present administration. (Much laughter from the opposition side of the house.) 'As for you,' said the hon. gent., 'I have known you these thirty years.'

The *Secretary at War* opposed the bill, as not likely to produce any good effect whatever. It had been held up as the corner-stone of a system of reform which he was much afraid could never be realized; and it was a duty which the house peculiarly owed to themselves, by way of supporting their own honour and dignity, not to hold out hopes which must inevitably be disappointed. He had no doubt but the Committee of Finance had great merit, not only in the diligence of their researches, but in the acuteness with which they were desirous of entering upon the investigation of the public expenditure; yet he was of opinion, that no false hopes or expectations should be held out to the people at the present moment.

Mr. *Lyttleton* alluded to the expressions of Mr. Fuller, who appeared to suppose that in his characteristic coarseness he monopolised in his own breast the whole political honesty of that house. With respect to the bill, it was the peculiar province and duty of parliament to regulate and watch over the distribution of the public money; to see that it was not lavishly expended; and to be frequent in the exercise of those functions, which as the representatives of the people, were vested in them by the constitution. At this most important crisis, any thing which related to public economy was not unimportant. It became the legislature to institute inquiry, to stop abuses, and to prevent, as much as lay in their power, prodigality. For these reasons, he, as one delegated by the people, could not approve of the middle course which the house were now pursuing in adopting this bill—a bill which savoured more of prudence than of spirit. The house had been told, that by passing the former bill they were entrenching upon the prerogative, of the crown. The prerogative, however, he must contend, had increased fourfold to what it was in former times. Instead of the former bill being an infringement upon the prerogative, it was, in fact, a shield from encroachment. He for one was a firm friend to the prerogative; but he could not at the same time forget that the constitution provided that this house should hold as sacred the rights of the nation. It was therefore the duty of the legislature to preserve and protect the one, and guard against the other. The hon. gent. then alluded to the speech of an hon. friend of his (Mr. Ward) on a former night; a speech which no panegyric of his could do justice to. With the sentiments contained in that speech he concurred, and with his hon. friend lamented to see the names of princes of the blood, recorded in opposition to the bill. He would not suppose that they went into the house other than as peers of parliament, nor that the votes they had given proceeded from any other motive than a thorough conviction of the injurious tendency of the bill. He must, however, deprecate the effect on the public mind. He would suppose a case: It might be said, that a faction existed, that that faction had in view no other object than to refuse a redress of grievances to the people. If it should be so said, and that it was the determined intention of that faction to nip the first appearance of reform in the bud, what would the people of England say upon reading the names of the princes of the blood in hostility to the measure of reform. The houses of parliament ought to be guided in their proceedings by constitutional principles. The princes of the blood, the nobles and chiefs of the land, would consult their own dignity by abstaining from opposition to the measure. He trusted that this house would be able to overcome the faction, to subdue, and finally expel them from all control over the responsible ministers of the crown; and that in so doing, redress of grievances might no longer remain a dead letter in the constitution; that the attachment of the people might thereby be cultivated; and that now, when it was most wanted, it might be secured.

Mr. *Fuller* here arose again, and exclaimed, that the words imputed to him by the hon. gent. had not been spoken. He had never said he possessed all the honesty in the house—(Hear! hear!) 'I could' (said the hon. gent. with much energy), 'throw as much folly and thickheadedness into his num-scull.'—(Order! order!)

Mr. *Lyttleton* made some observations, in a good-humoured tone, by way of reply to the last speaker; in which he observed, that the hon. gent. was undoubtedly possessed of every quality which was either agreeable, convincing, or persuasive. (A laugh.)

Mr. *W. Smith* said he would support the present bill, rather than run the chance of losing it entirely. He observed, with much irony, upon the polite, urbane, and gentlemanly conduct of the hon. member who had that night been so often declared out of order by the chair.

Mr. *Willoughby* spoke in favour of the bill.—It would reflect honour on the hon. gent. who brought it in; and, if passed by the other house, would also add honour on the administration under whose auspices it was carried.

Lord *Porchester* thought it better that the bill should be read a third time, and then such modifications as might be deemed necessary could be proposed.—[The bill was accordingly read a third time.]—The noble lord then proposed certain amendments, with the view of reconciling the bill to what was originally in the contemplation of the house. He should deplore any difference of opinion between that house and the house of lords; but they surely did not ask too much of their lordships in requesting that they would suspend their opinion for a season, and grant to the commons a sort of armistice, till the grounds on which they differed were explained. They were not to go to their lordships as sturdy beggars, who, if they could not get their petition granted in one shape were ready to accept of it in another. What he proposed was, that the word 'prohibit' should be restored in the preamble of the bill, instead of the word 'suspended,' and that the words 'with the view to inquiries now pending in the house of commons,' also in the preamble, be omitted. The only other amendment he should propose was one limiting the endurance of the bill to six weeks after the commencement of the next session of parliament, which, being more in unison with the former proceedings of that house, would be conceding less on their part, and would be desiring less on the part of the lords. He concluded by moving one of his amendments.

Mr. *Bankes* should be always ready to bring forward the present measure when he saw any chance of succeeding in it; but he did not pledge himself to agitate it at all times, whether success was to be looked for or not. He should prefer the bill as it stood to an address to his majesty, as he should conceive the concurrence of the other house in the present bill went to pledge them to the principle of the measure. He was satisfied with having the practice suspended in the mean time, and hoped the period was not far distant, when he should be able to do a great deal more.

Mr. *Robinson* thought the country would find themselves disappointed in the public advantages expected to be derived from the measure, which would not take off a single burthen.

Mr. *Tierney* observed, that a noble lord had said that he did not wish to go like a beggar, with a club and crutch to the house of lords. Now, it was his wish, that having before gone with a club to that house, that noble lord, or any other member of that house, should not now be sent up there limping upon crutches, and begging alms of them in the name of that house. It was his wish that they should continue to express their sentiments, not captiously, or in a vexatious manner, but boldly, manfully, and constitutionally, as they were warranted in supporting the consistency of that house; that they should go hand in hand with the wishes of the country; and if this mode of proceeding should be found to fail, that an humble Address should be presented to the throne, where they would be sure of obtaining success; where no dark intrigue or unconstitutional influence could intervene. Where places were useful, they ought to be granted in possession only, because then the possessor and his capacity were known; whereas, if a useful place was granted in reversion, an idiot might rise from his cradle to inherit the office, or the places might revert, as was lately mentioned by a worthy baronet (sir J. Newport) from the son to the father, and the reversion be delayed so long that the father would be incapacitated by age to perform the duties of the office. Gentlemen could hardly mean to urge that useful places ought to be kept in reserve, in order that they might be filled by fools or dotards. On the other hand, where the place was unnecessary, no patriotic man, no man in his senses, in fact, would advise that the country, in a time of extraordinary pressure, ought to be deprived of the opportunity of being relieved from that pressure by the abolition of such useless places. In common policy, therefore, the reversion ought to be put an end to in all cases. If the prerogative of the reigning king was even to be in some degree prevented from anticipating the resources of the royal estate, it was to be recollected that the legislature at all times owed a duty to whoever might be the successor to the throne—that they should see that the estate was not mortgaged, and its resources anticipated. Rather than that any compromise should take place, he should wish for the honour of that house that it should stand upon their Journals that they were consistent in their recognition of this principle of economy. If the bill should afterwards be lost elsewhere, the public might then have an opportunity of judging which branch of the legislature was best entitled to their confidence.

Mr. *Stephens* opposed the amendment of the noble lord in toto. It had by no means been yet proved that the practice of granting offices in reversion was injurious to the country, and it appeared to him to be at least a very questionable assertion to contend that it was so.—He maintained that the language lately used in parliament was calculated to intimidate and dispirit the people from bearing up against the storms with which we were now threatened. Nay, it was calculated to exasperate them against ministers and their sovereign. These were times of uncommon difficulty and danger, and therefore the king's prerogative ought to be strengthened, instead of being curtailed; that his majesty might meet the common danger with increased energy. These were not times in which to harass ministers with frivolous and nugatory debates.

Sir *Francis Burdett* combated the arguments of the learned gentleman (Mr. Stephens), who having rebuked others for the temper shewn by them in this debate, had himself exhibited more of what was peculiarly denominated temper, than he had often witnessed in that house. Indeed, the whole speech of the learned gentleman seemed to have proceeded from it, consisting chiefly of reflections cast upon persons no longer in office, and its whole scope and tendency seemed to have that in view, rather than the question, or any of those important considerations naturally suggested by it. To this must be attributed the palpable defectiveness of the learned gentleman's reasoning; which appeared to him no less erroneous with respect to principles of politics than of law. The learned gent. had adduced the situation of Europe, and the circumstances of the times as arguments in favour of prerogative; even if this granting of reversions was an abuse, these were not times in which it ought to be restrained.—Was it possible we could cast our eyes over the map of Europe, or the page of its history for the last fifteen years, and still be advocating despotism, and putting our trust in standing armies? Should we never learn that an armed people, proud of, and devoted to liberty, was the only method of making a country unconquerable, and a government secure? What! was it any want of prerogative that made Austria, Prussia, Russia, and all the despots of Europe fall at the feet of France? Or was it the want of their subjects hearts that deprived them of energy and support; that left them in the hour of danger abandoned and forlorn? This should teach princes and states, that those who had been accustomed to 'crook the pregnant hinges of the knee' before one master, could as easily perform the same baseness before another; which consideration might put them out of love with flattery and fawning; and teach them, that despotism was not less impotent than cruel, not less marked by infamy than folly; nor more to be hated than despised.—He had learnt, not only from those great writers whose theory, as the learned gent. said, unfortunately differed from the practice of the constitution—he had learnt not only from them, but also from high prerogative lawyers, amongst others from sir H. Finch*, the high prerogative lawyer, in the high prerogative times of that high prerogative king, Charles the first, who lost his head for his prerogative, which he owed not a little to his high prerogative lawyers, that though the prerogative extended, as they said, to every thing, yet it could not extend to abuse, because, being in its nature for the benefit, it could not be exerted to the injury of the public. Why, then, the question was, were those reversionary places for the benefit or injury of the public? But, they were pointed out as a grievous injury and abuse by the committee of this house. This house had adopted that principle, framed a bill acknowledging it, and abolishing it, but we were now to be told it was unpalatable to the lords, that we must yield it to their prejudices: but it concerned too deeply the honour and character of the commons, which he would not consent to yield to the prejudice or the pride or the corruption of the lords, against which he would oppose the privileges of the commons. Nor would he consent, that the commons, in a measure, no matter how small, of economy, of saving the people's pockets, of controlling public expenditure, should bate an inch of privilege, much less sacrifice the principle, which, in fact, was the whole of this bill. The hon. gent. who brought forward this bill, now proposed to be rendered totally worthless, by a compromise with ministers, (and for whom he certainly entertained a better opinion than he had been pleased to profess he entertained for him) recalled to his mind, upon this occasion, Bottom the weaver, who playing the part of Lion in pageantry before the court, and being excessively apprehensive lest he should cause any alarm, when he makes his appearance in his lion's hide, pops his head through a hole in the neck, and says, 'don't be alarmed, for I who 'act Lion am not Lion, but Bottom the 'weaver, don't be frightened, and if you 'were frighted, 'twere pity o'my life, I'll 'roar ye as gently as any sucking lamb.'—The learned gent. who had just sat down, had expressed his disbelief of the existence of any unconstitutional influence exercised by irresponsible persons, and controling the responsible ministers. This influence, however, was felt early in the present reign, denounced first by my lord Chatham, and he believed the public was well convinced it did exist—a mysterious and malignant power whose hand, felt, not seen, had stabbed the constitution to the heart.—But of all the many curious circumstances which had attended the progress of this bill, nothing appeared to him more curious than the conduct of ministers about it: they were not for it, and they were not against it: to the court they apologized for themselves, saying—'We are not against it, because it will do 'you no harm:' to the people, 'We are 'not strongly for it, because it will do you 'no good; we do not wish to delude you, 'the measure is trifling, (nugatory, said the 'secretary at war,) it would be deceiving 'and raising the expectation of the people, 'only to disappoint it; it would afford them 'no relief.' Now, he perfectly agreed as to the inadequacy of the measure—the smallness of the boon; but, it was a commencement of reform, it acknowledged the principle—the necessity; and therefore, he should vote for it. He would also observe, that it was the last drop that made the cup to overflow; that the people were full of grievances and sufferings, tossing and tumbling on the bed of sickness; that they at present turned their anxious eyes towards that house for relief—that they should beware how they disappointed them, and turned their eyes elsewhere in despair.—But, it seemed, that ministers objected to a measure so inadequate, so paltry, not worth the people's acceptance. They had better stomachs for reform—wanted something more substantial. He supposed they wished for some independent country member to get up and propose that the ancient undoubted right of the people to annual parliaments, chosen by themselves, should be restored—or that no person bribed, or who should be bribed by a place or pension should have a seat in the commons house—that the good old laws of the land, Magna Charta, Bill of Rights, and Act of Settlement, should be restored, by repealing all those unconstitutional acts which had nearly annihilated them; or some other proposition worthy to be entertained by an English house of commons.—He could not sit down without expressing his astonishment at the quarter from whence the opposition to this very moderate measure came,—from those who, for doing nothing, had received and were receiving large sums of public money, who ought to have been the very last to oppose it, or rather, who ought to have been amongst its most chearful patrons and promoters—even though actuated by no other motive than that which guided every prudent tradesman, and make him consider present security, as well as future gain. He would, and with no unfriendly voice, call upon those persons to consider, whether, by their opposition to this bill of Reversion, they might not produce bills of Resumption; whether they might not, by opposing this small commencement of reform, cause themselves speedily to hear sounds the most unpleasant, he should suppose, to their ears—for he would have them recollect, that it was not the first time in the history of this country that the necessity of the times, and the indignation of the public, had echoed through the land, resume and refund.

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* See Cobbett's Parliamentary History of England, vol. ii. p. 35.

Mr. *Windham* did not think that the measure of abolishing Reversions would he so productive of advantage to the people as some of its warmest advocates seemed to suppose. The assertion of the hon. baronet, that it would be the commencement of reform, was to him no recommendation of it, knowing, as he did, the dreadful dangers which might ensue from misguided attempts at reformation, of which we had had sufficient examples in a neighbouring country. As to the corruption that was so generally asserted to exist among the higher orders, he contended that that corruption existed in an equal degree to the lower, and that the tree struck its roots as deep into the earth as it elevated its branches into the air.

Mr. *Sheridan* should not have been provoked to say a word at so late an hour, by any thing but the extraordinary position which he had just heard from his right hon. friend. What! all corruption in the state was to be found only at the root! The people were the root, and from the people, then, sprung up all corruption! He must beg his right hon. friend to recollect that he had successively represented such a variety of places; whether the county of Norfolk, the city of Norwich, St. Mawe's, or Higham Ferrers, that even a memory like his, and such a known acquaintance with the constitution of parliament, could not well enable him to say of what place he was really the representative. His right hon. friend had chiefly insisted, that the root of corruption was to be traced only to the people. He would contend the very contrary. It was government that was the seducer; the people the seduced. The present question would put it to the test; and if his right hon. friend's principles were to be adhered to, it would only prove, that the drippings of the top of the tree were often the real cause of the blighting of the branches, and the corruption of the root. Where root, branches, &c. all were undermined, could any fair fruit be after expected to blossom from such a ground?

The question being loudly called for, the house divided.—For lord Porchester's Amendment, 60; Against it, 112. Majority in favour of the Reversion Bill as brought in by Mr. Bankes, 52.—The Bill was then passed, and ordered to the lords.

HOUSE OF LORDS.

Tuesday, April 12.

[Indictment Bill.] Earl *Stanhope* called the attention of the house to this bill, which he said purported to be a bill to amend the law, but which, in his opinion, tended to make it worse. He thought that part of the bill in particular which related to proceedings on information highly objectionable. He did not mean to debate the bill now; his object was, that a day should be fixed for the second reading, and that it should be fully discussed. He therefore moved; that the bill be read a 2nd time on the 16th of May, and that the lords be summoned.

Lord *Holland* thanked his noble friend for bringing this subject forward; and although the part of the bill alluded to by his noble friend might not be exactly that on which he should found his objections, he yet must say, without now entering into the subject, that this bill was a great innovation upon the constitution; and he trusted when the day of discussion arrived, that those who supported the bill would be prepared to state to the house the reasons on which it was founded.—The bill was ordered to be read a 2nd time on the 16th of May, and the lords to be summoned.

[Roman Catholic Petition.] The duke of *Cumberland* acquainted the house, that he held in his hands a Petition from the lord mayor, aldermen, and corporation of the city of Dublin, praying that house not to acquiesce in the prayer of the Petition presented by the Roman Catholics of Ireland. His royal highness stated, that he had had this Petition for some time in his possession, and was then induced to present it, in consequence of the notice of an intended motion given on this subject last night.

Lord *Auckland* declared, that had he been in the house at the time when the Catholic Petition was presented, he should have taken the opportunity of expressing the strong and sincere regret he felt at pressing such a subject again into public discussion. After its recent discussion, a discussion the most serious and conclusive that ever took place in the history of parliament, it was the declared sense of their lordships, by a great majority, not to acquiesce in the prayer of the petitioners; he could not but regret, that the same subject was again so precipitately pressed before the attention of parliament.

Lord *Holland* never could accede to the validity of such a position, that because, in former sessions of parliament, that house had come to a decision adverse to the views of a certain description of the king's subjects, therefore, that it operated as a bar to their future hopes and petitions. But what were the circumstances which particularly marked this case? It was true, that the house did not accede to the prayer of the former Petition, neither did it reject it altogether; the motion was set aside by the carrying of the previous question; and it must be in the recollection of his noble friend, and of the other noble lords who heard him, that many of those who then voted for the previous question, expressed themselves alone hostile to the time in which that Petition was presented. It surely might be presumed, that those objections were removed, and that circumstances had since occurred to render it advisable for that body of people to submit their case to the legislature.

Lord *Hawkesbury* intimated to his noble friend, that he was under an error in supposing that the motion founded on the former Petition of the Irish Catholics was overruled by the adoption of the previous question. The fact he believed to be, that the motion for sending that Petition to a committee was rejected by a very considerable majority of their lordships.—The Petition was then read, and ordered to lie on the table.

[Offices in Reversion Bill.] On the motion for the first reading of this bill,

The Earl of *Moira* said he could not suffer it to pass its first stage without making some observations upon its general merits. Highly as he respected public opinion, and desirous as he was of always exhibiting a willingness to accede to its judgment, he still did not see any ground to change the opinion he had on a former occasion given upon this subject. It had been totally misunderstood by the public, and he was one of those who could see no danger from giving to the executive government that laudable influence, which in the end provided for the concerns of the public. He was ready to admit, that when the right of granting reversions was vested in the crown, it was an abuse, but ftill it was to be recollected, that the practice had existed for 300 years, and had the sanction of ancient usage. If, indeed, any corrupt grant of this nature had been made, or if there were others which stood in the way of a salutary and wholesome regulation, the existence of such circumstances constituted a just ground for their particular modification. The whole tenor of his majesty's reign proved, that in his beneficent mind there predominated no feeling for a rigorous exercise of the prerogative, where that exercise trenched upon the true interests of his people. At present, he had no motion to submit on this subject, but more strongly to impress the opinion he before stated, with respect to their lordships seeking a conference with the house of commons, to ascertain their views upon that measure, and particularly because, in one part of this bill, there was a reference to further objects of reform and retrenchment.

Earl *Grosvenor* said, in the second stage of this bill he should certainly feel it his duty to advert to the observations of the noble earl. He then only wished to know, when it was intended to read this bill a 2nd time?

Lord *Hawkesbury* proposed the 9th of May, which was adopted.

HOUSE OF COMMONS.

Tuesday, April 12.

[Roman Catholic Petition.] Mr. *Grattan* observed, that he held in his hand a Petition from a numerous body of men, styling themselves Roman Catholics, and praying relief from that house, in the hope that they might be admitted to the franchises of the constitution. He should not for the present enter into the matter of the petitioners' case, but content himself with moving that the Petition be received, and lie upon the table. On the 16th of May, however, he should submit a proposition to the house upon the subject. He fixed upon that day as the most convenient to several gentlemen who took a warm interest in the Petition, and he trusted it would prove equally convenient to the gentlemen opposite. He had only to add, that this Petition was signed by a great proportion of the most respectable members of the Catholic body, many of whom had actually subscribed the Petition, whilst others, whose names appeared to it, had their signatures affixed by authority given to the persons who subscribed for them. The Petition, however, he should present as that of the persons only who had actually subscribed their own signatures to it. He moved therefore, that the Petition be received.

The *Chancellor of the Exchequer* desired to know what was the proportion the real signatures bore to those which were affixed by the authority alluded to by the right hon. gent.

Mr. *Grattan* replied, that he was not prepared to state the proportion, but that the number of signatures affixed by order of the parties, amounted to several thousands.

The *Speaker* suggested that it would be extremely desirable, if the right hon. gent. could point out any distinctive mark by which those which purported to be the signatures of the parties could be known and distinguished from the real signatures.

Mr. *Grattan* replied, that all signatures by the authority of the parties, were written in the same hand, whereas the *bona fide* signatures were written in the various hands of the subscribing persons. He could prove the signatures of some of them himself, and these were men of the highest respectability, some of them, for instance lord Fingal, being at present in London. He had stated in candour the nature of some of the signatures, and with a view to guard against any imputation that he had presented a Petition purporting to express the sentiments of persons who had never subscribed it. Every person whose name appeared to the Petition, was ready to come forward and subscribe it, but he had thought it better to present the Petition in its present form than to send it back to Ireland and risk the consequences of the various meetings that must necessarily be called in order to obtain signatures.

Mr. *H. Parnell* stated, that it was notorious that the Petition had been actually subscribed by several of the most eminent and respectable members of the Catholic body, and as such ought to be received.

The *Chancellor of the Exchequer* felt no objection to receiving the Petition, if that could be done without departing from the constant practice of parliament. From the bulk of the petition, it appeared that there was a great mass of names annexed to it, and amongst the number, there must be many who had actually signed it, and whose names might be retained. But, if the signatures which had not really been written by the parties could not be detached, he should be rather inclined to receive the Petition even as it was. If any doubt existed as to the practice of the house, he should certainly prefer receiving the Petition, at the same time protesting against this case being drawn into a precedent, rather than send the Petition back to Ireland for signatures. But, if it should appear to be clearly contrary to the practice of parliament, to receive a petition under such circumstances, he did not think that the house should depart from its regular practice. Upon this point he appealed to the Chair, at the same time expressing a wish, that some mode might be devised of separating the actual from the virtual signatures, in order that the petition might be received consistently with the forms of the house.

The *Speaker*, having been appealed to, stated, that it was quite clear, that if a petition was offered to that house with signatures, avowed not to be in the handwriting of the parties whose names they purported to be, it was not receivable. The simple remedy for this was, if these signatures could be detached from the petition, to present it with such only as had been actually subscribed by the parties, in which case the Petition would be received. That house knew of no petitioners; it considered only the matters substantially contained in the petition. There were two ways, by either of which the present difficulty might be got over. The signatures which were not real might be erased, and the petition presented with the original signatures; but that was hazardous both to the parties and the hon. member who should undertake to cancel any names appearing to the petition. The other course was, to detach the signatures that were not original from the petition, and as far as that could be done, to present it with such of the original signatures as were annexed to the petition.

Mr. *Tierney* acquiesced in the rule laid down by the Chair in all ordinary cases, but asserted that the peculiar circumstances of the present case were such as to except it from the application of the ordinary rule. There was no man from Ireland who did not know that two or three millions of signatures could be obtained for the petition. The petition might be received as the petition of those only who had actually subscribed it. If the petition had come from persons partially interested, there might be some reason for inquiring into the signatures, but as this petition expressed the sentiments of so large a portion of the people of Ireland, no form ought to be allowed to keep it out of that house. He thought, therefore, that it ought to be received upon the assurance of his right hon. friend, that he believed the signatures to be those of the parties, or annexed by the authority of the parties.

Mr. *M. Fitzgerald* (knight of Kerry) felt much difficulty upon the present occasion, bowing, as he did, to the authority of the Chair. He was convinced that more inconvenience would result from sending the petition back to be regularly signed, than from receiving the petition in its present form. Having taken some pains to ascertain the real state of the case respecting the signatures to this petition, he could assure the house that they were 17,000 in number, and that several thousands of these were original signatures. Many of the other signatures had been added on the authority of petitions upon the same subject from different counties in Ireland, which were actually subscribed by the persons whose names appeared to them. When the petition was subscribed by several thousands of original signatures, it became a serious question, if the object of it was to be defeated by an error in point of form. If sent back, it would be easy to obtain millions of subscribers, but he begged the house to consider what might be the effect of referring this petition back to these millions. He put it to his majesty's ministers whether they would risk, by rendering such a course necessary, the disturbance of that harmony, which they were all so anxious to preserve. The signatures had been procured from all parts of Ireland, and included the most respectable amongst the Roman Catholics, because it had been objected against former petitions that they did not express the sentiments of the whole body. But if the house should send it back, he was sure that the signatures would be procured, in a temperate manner. There would be other petitions presented from different parts of the country, and, as he understood, one from a Northern county, with upwards of 30,000 signatures.

Sir *Robert Peele* adverted shortly to the Manchester Petition for Peace, which was said to have contained 47,000 signatures, and stated, that he had since been informed that there had been no more than 1600 original signatures to that petition, and that many of the names annexed to it were those of men long dead. He was glad the law of parliament had been now laid down, because, though it was the first right of the subject to bring his complaint before that house, much inconvenience would arise if the practice of annexing the names of dead persons to petitions were to be countenanced.

Sir *J. Newport* deprecated every application of the case stated by the hon. bart. to the present case. Persons might differ on the question respecting war or peace, but no man could doubt that the whole Catholic population of Ireland were desirous of being admitted to the franchises of the constitution. If ever the rule of the house was to be departed from, it was in the present instance.

Mr. *Grattan* lamented the awkward situation in which the petitioners would be placed if this petition should be rejected. It would be an inhospitable reception that would be given to the claims of the petitioners. If the rule laid down was to be strictly observed, it would be peculiarly severe with respect to petitions from Ireland. No member who might present one from that country, particularly if of a popular nature, could possibly prove that all the signatures were real. Under these circumstances, the people of Ireland could have no communication with that house. He had presented petitions from several cities in Ireland, the signatures to which he could not have verified. He left it to the good sense of the house, whether they ought to be too critical in judging of petitions, when they conscientiously knew that the petitions contained the sentiments of those whose signatures were annexed. He protested against the application of the statement of the hon. baronet (sir R. Peele) to this case, because he was perfectly convinced, that the petition expressed the real sentiments of all whose names were subscribed to it. If they sent that back which other great bodies received, would not the Catholics of Ireland be discouraged from any communication with the lower house of parliament? He remembered having presented a petition at one time to the Irish parliament, which had 40 or 50,000 signatures, of which only 7000 were original, yet that produced no difficulty. He knew it was discretionary in the house to receive the petition in its present shape, and he must put it therefore to their discretion. If the petition was to be sent back, and meetings should be called for obtaining signatures, it was not his fault. He would not undertake the responsibility of it. He could authenticate many of the signatures himself, as others could many more, and he therefore again put it to the good sense and discretion of the house, to receive the petition.

Mr. *Wilberforce* observed, that there was not in any quarter a disposition to object to receiving the petition, but contended, that the usual practice of the house with respect to petitions, signed by many names, was of most substantial importance and real utility, and ought not to be departed from; for much inconvenience might arise from a precedent so establised, however strong the inducement might be.

Mr. *Tierney* explained, and desired to know, whether if the question should come to a vote and he should vote for receiving the petition, it would be any disrespect to the chair, after the statement of the practice of the house which had been so distinctly given from the Chair?

The *Speaker* re-stated what he had antecedently communicated to the house; and observed that it could be no disrespect to him, for any hon. member who thought otherwise, to vote according to his individual impression. He had when called upon, as it was his duty, stated the practice of the house to the best of his judgment; and it would be for the house to decide, whether it would adhere to its regular practice, or depart from it in this instance.

The *Chancellor of the Exchequer* did not wish to reject the Petition; on the contrary, he was desirous that it should be withdrawn, in order to its being presented in a more regular form. It would be a painful duty, but if pressed in the present form, he must vote for its rejection. He was anxious that the Petition should be received, and as numbers could not add weight to the importance of the subject, the right hon. gent. by withdrawing the Petition, and presenting it to-morrow with any number of original signatures, would attain the end he desired. As Petitions were to be presented from the different counties of Ireland, the house would have the names authenticated annexed to these particular petitions. He had been informed of the circumstance respecting the Manchester Petition. One of the members for Cork had also presented a Petition, purporting to be from the merchants of that city, and in a few days after had informed him, that by letters received from that city, it appeared, that the great body of the merchants knew nothing of the matter till they saw it stated in the newspapers. He mentioned these cases, to show how loose the practice was becoming with respect to petitions, and how necessary it was to adhere to the regular practice.

Sir *J. Newport* observed, that the case of the petition from the merchants of Cork did not at all bear upon the present petition.

Mr. *Windham* did not by any means wish that the house should depart from any rule laid down to regulate its proceedings; but at the same time he thought, in perfect consistence with the rule on this occasion, the petition should be allowed to remain upon the table. He could not see why the fictitious signatures, if any such there were, were to invalidate the real ones. They might let them lie dead, and count them for nothing; and, surely, if fifty or sixty well-ascertained signatures could be made out, it would have the same effect as fifty or sixty thousand, since the importance of the petition was not attempted to be denied. He admitted, that if the signatures confessed to be real could be detached, it would be well; but, unfortunately, they were so blended with those called fictitious, that an attempt at discrimination would be utterly impossible. He hoped the house would not push the rule to its extent on this occasion, as it might lead to a manifest inconvenience; viz. that in case any future petition were to be presented, names might be fraudulently and clandestinely fabricated in the same hand, for the purpose of procuring the rejection of the petition. He thought the petition should, at all events, be suffered to lie on the table, with the names separate, if possible; but still, if that could not be effected, he thought it did not signify, as the suspected names might be allowed to go for nothing.

Mr. *Yorke* felt great anxiety on the subject of this petition. The petition did not derive weight from the numbers subscribed, but from its matter. But, if the signatures were so intermixed as not to be separated, he thought that it should be received in its present state, making a special entry upon the journals, that it should not be drawn into a precedent.

Mr. Secretary *Canning* was desirous that some way might be found out for avoiding the present difficulty, but did not think that any thing with respect to these forms should be granted as a present indulgence, which might be a future embarrassment. He thought it impossible but that in such a mass of names the right hon. gentleman would find many which he could attest, and as numbers made no difference in the importance of this question, the petition might be presented with these signatures only.

Mr. Windham and Mr. Secretary Canning severally explained; after which, Mr. Grattan proposed, with the leave of the house, to withdraw the Petition, with a view to procure original signatures, in which case he should not be able to present it before the recess. He should, however, present it by the 16th of May, on which day, he should move for the appointment of a Committee upon it.—After a few words from Messrs. Whitbread and William Smith, recommending the adoption of the line pointed out by Mr. Yorke, to receive the Petition and make a special entry, the Petition was withdrawn.

[Local Militia Bill.] Lord *Castlereagh* said, he had not long since had occasion to call the attention of the house to the general consideration of our military establishment; but, at the same time, the house would allow, with reason, that the first consideration was due to our regular army, rather than to those descriptions of force which were secondary and collateral to it. It was the duty of government, however, to attend to all parts of the military system, and to provide effectually for the maintenance and discipline, not only of those descriptions of force that always had arms in their hands, but also of those that were armed only provisionally for the purpose of training and discipline, with a view to eventual emergency. Having proposed that first which was of most importance, he was happy to congratulate the house, that by the success that had attended the measures which it had been his good fortune to propose to the house last year, no legislative care was any longer necessary for the establishment of a regular army. The zeal with which the act passed on his suggestion had been carried into effect, having added 40,000 men to our regular establishment, that most important branch of our military system might be safely left to the protection of the ordinary recruiting. The regular army, and militia being in this perfect state, we might now proceed to the arrangement of those other parts of our establishment which were neither less important, nor less difficult to be properly regulated. Having taken the measures last year, which operated so beneficially for the regular army, he thought the country might rest with safety upon those measures, till more precise information as to the number and discipline of the volunteers under arms should furnish to the legislature more authentic materials than could then be had, there being no immediate communication between government and the volunteer corps as there was now, by means of the inspecting field officers. By means of these officers, the most accurate information was now obtained on these important points, and though the arrangement of so important a matter was full of difficulties, which were enhanced by the labours bestowed on it by his predecessors, and particularly by the able individual who had gone before him, he and his colleagues would be wanting in their duty if they did not turn their attention to it as early as they could, and if they did not bring forward as they now did through him a plan of subsidiary defence. In looking to the amount and description of our army in general, he had already congratulated the house that there was no longer any room for anxiety. In point of number and discipline our army was beyond any thing this country ever enjoyed. To the volunteers he was happy to pay that share in this general tribute, to which the testimony of the inspecting field officers proved them justly entitled. No force was ever better qualified for the immediate defence of the country, none better entitled to its confidence, and as long as they felt inclined, and convenience permitted them, to do duty in the manner they now did, it was impossible he could imagine a force to which he would be more disposed to trust the fate and fortunes of the British empire. He should, however, be wanting in his duty, if he did not look forward to the time when occasions might arise, in which the services of so large a proportion of the community as volunteers, would appear no longer called for by any pressing emergency. This was the crisis which he felt it his duty to provide for, and no time could be so properly selected to make that provision at the present moment, when the volunteer corps were so high in number, zeal, and discipline, when defalcation appeared to be at a great distance, and when the remedy that might be provided for its eventual existence might be matured and perfected before it would be wanted, and might come into operation so gradually and imperceptibly as to create none of those agitations that were unavoidable, when great deficiencies were to be supplied by sudden exertions. If the war should continue very long, or if a peace should be made, the volunteers might in either case return to those domestic habits from which the imminent danger of the country, a call always imperative on Britons, had drawn them forth. This event, whenever it might take place, it was the duty of government to see that the country was prepared for. Hence arose the necessity of proposing a plan that would be equally operative in peace and in war, and the effect of which would be that the country would be at no moment unprepared. It was better that the attention of parliament should be called to this subject in time of war than in peace, for nothing was more inconsistent with peace, nothing more likely to disturb its tranquillity, or to shorten its duration, than to agitate inquiries, and to be occupied about arrangements connected with war. He supposed no argument was necessary to convince gentlemen of the propriety of making every possible exertion to put our military establishment in the most respectable posture. It was only necessary to look at the state of Europe, to see that by no other means could we be enabled to treat for peace on equal grounds; and except we made peace on equal grounds, it would be no peace. It was necessary for us to put forth and array our strength in such a manner, as not only to render our coast invulnerable in war, but also to shew the enemy that he had no chance of accomplishing his object in peace, and to teach him to make up his mind to live in the world with one power, which he could not hope either to conquer or to intimidate. In this view, however high an opinion he had of the volunteers, he conceived it would be unwise to leave the permanent defence of the country dependent upon the feelings of individuals; and he conceived it right to propose a system, invariable in its operation, which would prevent the public security from being ever compromised.—Having stated this outline of the considerations which led to the adoption of the plan he was about to propose, he would now proceed to explain the ideas of his majesty's ministers with respect to the existing system of subsidiary defence, and the alterations they proposed to introduce upon it. An act was passed some time since, for the general training of the people. He had, in the last session, brought in a Bill for completing the returns under that act, and regulating the mode in which the ballot should be applied to them. The ballot, however, could be applied only to a small proportion of the returns, and even then there was not sufficient compulsion to render it effectual. It was necessary to state to the house, without reserve, the view his majesty's ministers had of that training act. The intention of it was, to enable ministers to advise his majesty to train 200,000 men out of the whole population. The parish officers were to do the duty of military officers and drill serjeants towards those men. But neither was the training adequate, nor would the men be of any use when so trained. The time of the year when the men were brought together under that act, and the place where they were to be assembled, were equally improper; and they were turned out of the hands of their trainers unfit for any service, and without any obligation to any except in the event of invasion. There were some who considered training of value, with embodying. He was of a different opinion. He considered it of little use to have men trained unless they were regimented. The regiments of regulars, volunteers, or militia, into which they should be put after such imperfect training, would have little benefit from them. If trained in regiments they would be of real utility. The training of the whole number of 800,000, which number the Bill proposed successively to train, would have been a very general hardship without any benefit, or an imperfect and contingent one, except in case of incorporation. The volunteer training was such as to leave the men in a state of perfect discipline, fit for service, without any further instruction, whenever the exigency should arise. But, while the general training, in this view, was more vexatious than beneficial, there was another view in which it was serviceable. The men might be trained up so as to be qualified to fill the ranks of the militia and regular army, and, if it should be necessary to make use of them, they would be ready. Instead of training the whole military classes, a sufficient number might be trained to cover any probable exigency that might be expected to arise. The regular army at home at present amounted, with the militia, to 200,000 men, exclusive of artillery. The regular army, if raised to one hundred men to each company, which was no more than the officer commanding could easily manage, might admit 50,000 additional men. It would be a great advantage that this number of men should be ready trained, without any occasion to ballot for them. They should be regarded as an army of reserve, to be made use of only in cases of great emergency. There would be no occasion to have recourse to the parish officers; the men would be always ready, when a Local Militia should afford such facilities of general training, and the men so trained would be an acquisition to the regiments they might join. It would be sufficient training to drill the men 48 days near their homes, according to the system of the militia in time of peace, and to have them embodied 21 days in their own counties. A measure of this kind would have such an effect on the recruiting of the regular army, that the most ample reliance might be placed on its effects in any circumstances. It was not necessary to have recourse to it immediately, but it might be regarded as a sure recourse in reserve. Now, with respect to the volunteers, he was prepared to state as his own opinion, as well as that of his majesty's ministers, that as long as the volunteers could with convenience give their services to the country, with that degree of military efficiency which they at present possessed, government would not desire any more effectual force. But, it was essential to fix and organize a permanent force, which would always subsist to the same amount. Looking to the regulars and militia as the first line, and the volunteers as the second line, it was necessary to have a regimented force as a third line, and the point now to be considered was, what amount of force of this kind it was necessary to have, in order to fill up the deficiencies that might arise in the volunteer establishments. With respect to the proportion of this regimental training, some thought it ought to go to a much larger extent than was ever proposed before. But, when the nature and amount of the existing regular force was examined comparatively, with the training to be instituted with a view to its aid, there was reason to conclude, that the amount proposed by his right hon. friend (Mr. Yorke) for the limitation of the volunteers, that was, six times the militia, would afford ample foundation for a permanent subsidiary establishment. An increase might be made if circumstances required it, but it was unnecessary to burthen the country; in the first instance, six times the number of the militia would be for Great Britain only 330,000 men. The number of effective volunteers in Ireland was close on 70,000. Under this plan, there would be therefore a depot of 400,000, ready at a moment's notice to fall into the regiments of the line and the militia, according as they might be wanted to make them up. According to the last returns, the effective force of the volunteers in Great Britain was 290,000. There were actually under arms at the last inspection 240,000. The report of their discipline was highly favourable, and they were declared fully capable of acting with the line. He knew the right hon. gentleman opposite (Mr. Windham), thought the volunteers not fit to be seen in company with the militia; but others thought differently, and he agreed with them. When the gross amount of the effective volunteers was compared with six times the amount of the militia, there was found a deficiency of 30,000 on the aggregate. But when this deficiency came to be subdivided, there was found an inequality, some of the counties being more deficient and some less, and among the latter the maritime counties; and the consequence of this inequality was, that 60,000 would be wanted to complete the establishment to the amount desired. He proposed therefore to give to the crown a power to create a Local Militia, to the aggregate amount of 60,000 men in the first instance, to be increased in proportion as the volunteer force should diminish, and to supersede them totally if they should withdraw their services in the event of peace. It was a satisfaction, that in creating this force, which was compulsory in the first instance, the country had the benefit of trying the experiment on a limited scale, to proceed to a more extensive application of the principle, if it should be found successful. He felt it desirable to proceed according to the accustomed habits and principles of the country, and therefore he would propose to conform the constitution of this force to that of the militia, but with this difference, that whereas the militia was now like the regular forces, the militia in time of peace would be assumed as a model, and consequently the services of this force would be confined to its counties except in time of invasion, or when the enemy should be actually on the coast, when alone it might be marched out of its counties. It should be assembled at convenient times of the year, for the purpose of training only, except in time of invasion, when actual service might be demanded. With respect to the terms of engagement, one year's training, as provided by the right hon. gent's. bill, was wholly inadequate. It was desirable that the men should not be taken away inconveniently from their occupations, without compensating the country by substantial improvement. It was desirable also, to prevent the too frequent recurrence of the confusion of the ballot, and on these grounds it was intended to propose an engagement to the individuals for a certain time, and to bind them to do permanent duty in their own counties for a certain number of days. This obligation he hoped would not be considered hard, at a time when the prospect of being able to continue the occupations of industry depended on every man's being able to defend the seat of that industry with arms in his hands. It was intended to allow no substitutes. This force was not like the moveable militia, which taking men for years away from their homes and establishments, would often be ruinous to families, unless substitution were allowed. A few days service within his county would be no hardship to any man, and if every one was allowed to come into the market for a substitute, the most ruinous consequences to the country would be felt in the enormous rise of the bounties, as in the instance of the provisional cavalry, in which, though the service was within the county, and to one particular period of the year, the price of substitutes rose to 50 or 60 guineas. It was, therefore, thought right to allow no substitutes. But, in order to prevent the injurious confusion of the highest with the lowest ranks, some mitigation should be admitted, and he proposed to follow the example of the right hon. gent. opposite, by allowing the party to retire on paying a fine of such magnitude as to discourage the having recourse to it, except in very strong cases. He would wish to encourage the service of persons of rank as officers: conceiving there were many persons who would enter into this service voluntarily, he proposed that such offers should be received, and that the ballot should be enforced only where there were no offers, no selection by the parish officers. He would not allow the parishes, any more than individuals, to find substitutes; for though they would not create so general a competition in the market, they would yet create enough to do mischief. To prevent this evil, he proposed a penalty on the person consenting to be a substitute, and on the parish accepting him. He proposed to give a small bounty of two or three guineas to those who should enter voluntarily, in order to render the compulsory obligation of the law unnecessary. It was intended to submit persons from a certain age to a certain age, to the compulsory obligation of the ballot, and by a little attention to the classes, it would be easy to determine the proper proportion. But it was only in the event of a deficiency of volunteers, that the ballot was to be taken up; therefore age could not be so well applied, and the state of the volunteer establishment would always be a difficult matter of regulation. It would be better in these circumstances to throw out persons of more advanced age altogether, and then there would be every reason to be sure that the young men would readily take upon them the increased burthen of a larger share in the defence of the country. Looking to a period, when instead of 60,000, the ballot was to be enforced for a greater number, he proposed that the ages to which it should apply, should be from 18 to 35, and when a sufficient number of volunteers should not offer, he proposed, that the ballot should apply between these ages. The qualification of officers he looked on as highly important; and he proposed that the regulations of the militia should be adopted as they now stood. No qualification on this head was required for subalterns. There was a latitude given in the recommendation of captains, if persons qualified could not be found. Field officers would be left as before, and though it was difficult now to get qualified persons to serve, it was to be hoped, that service within the county would be more attractive, and that qualified persons would come forward to undertake it. He would propose, that retired field officers of the line should be elegible, and he was sure it would be considered as a distinction justly due to those officers who had reached that high station. —The next point to which he should call the attention of the house was, that to prevent this Local Militia from interfering either with the regular army or the regular militia, he should propose that no man taking this engagement should, during the four years for which it was intended to last, be debarred from enlisting in the regular army or regular militia at his pleasure. He would, however, on this head propose one limitation in compliment to the commanding officers, to whose feelings it would not be very pleasing to have their men attached by recruiting parties, while embodied for the purpose of discipline. He should, therefore, propose a restraint on their liberty of enlisting, for a part of the time during which they should be embodied. He conceived it possible that volunteer corps might, in many instances, wish to change the terms of their engagements, and to become corps of Local Militia. It was well known that the establishments of some volunteer corps were more expensive than was necessary. This might be expected to produce some embarrassments with respect to funds, which it would be desirable to escape, by turning to a service which required no stock purse. This disposition should be encouraged, because the local militia would be always effective for service; but otherwise it was the disposition of his majesty's ministers to give every possible support to the volunteers, considering them, in their present highly disciplined state, preferable to any green force whatsoever. It was intended to put a stop to all insurances made with a view to the mitigation of fine attached to the refusal to do personal service; and with this view a penalty would be imposed on the person having recourse to insurance, and the person with whom he might insured. The whole expence of the proposed force to the country would not exceed that of the volunteers at present, nor that which would be to be incurred under the Training bill of the right hon. gent. He had made comparative calculations, and had adjusted the bill, which the right hon. gent. might see. The right hon. gent.'s trained man would cost more than a volunteer or local militia man. The cost of this last was something less than 4*l.* He looked upon it that 400,000 rank and file in addition to the regular army and militia would do a great deal, but that was not the only means of increased defence that we possessed. There was the provisional increase of 50,000, which would give us an army of 650,000 men, subject only to the reduction on the formation of a peace establishment, which reduction would never amount to 50,000. Always keeping up that amount of regular and subsidiary force, it would be impossible for the enemy to bring against us any army capable of making an impression; and with the trained population which this measure and the volunteer system would necessarily generate, we should have such means of supplying the waste of men, that the largest force the enemy could bring must perish in the unequal conflict. The amount of force alluded to, would be amply sufficient, and to train more would be only idle waste. An armed peasantry, though useful in other countries peculiarly circumstanced, could be of no use in this. It would be impossible to incorporate them with the regiments, if invasion should arise. Too extensive a training would be a useless and unprofitable burthen, tending to break the backs of the people, if the expression might be used. Having a regimented force of 400,000, in addition to a regular army of 200,000, which might, if occasion required, be increased to 250,000, parliament might rest content, and trust that the empire was secure. He should now move for leave to bring in the bill. He was glad gentlemen would have the interval of the recess to consider the provisions of it; and in order to give them the greatest possible facility, he should move that the bill be printed. When they should re-assemble, and resume the consideration of this subject, he would receive with attention every suggestion gentlemen should offer, and endeavour as much as possible to profit by them. He moved for leave to bring in a bill to make better provision for the internal defence of the kingdom.

Mr. *Yorke* expressed his approbation of the principal features of the plan which the noble lord had just submitted to the house. For himself, he had long been impressed with the necessity of placing the country in that state of military habits which would enable us to look without fear on any danger with which it might be threatened. The plan of a local and permanent militia, he considered as peculiarly suited to the genius of our constitution, and the manners of the people. In the present convulsed and disorganised state of Europe, no one could foresee what might happen. If ever there was a time when the country had occasion for a full array of the whole of its military population, it was the present. He hoped at last we were come to the time when the house would lay down some solid, well-digested, and permanent plan of internal defence, and that they should hear no more of annual motions on this important subject. The plan of the noble lord he understood to be composed, first of the regular army, maintained at its present establishment; next, of a numerous local militia; and lastly, of an intermediate force, the whole of which should be perfectly adequate to the defence of G. Britain and Ireland.

The only objection of any moment which he had to offer to this was, that he would prefer, instead of having what the noble lord called an irregular militia, a complete amalgamation and combination of all the forces of that description. This part of the plan would be brought into practice with great advantage at the end of the war, at which time, with hardly any inconvenience, it might be moulded into a permanent system. To render the plan more perfect, he thought it adviseable, that besides the local militia, we should have a body of troops not so numerous as the militia, but applicable to the defence of every part of the empire, serving as well in Ireland as in England. These, he would take the liberty of suggesting, should amount to 35,000 men, composing a species of reserve for the army, to be trained and commanded by regular officers. On military subjects we could not have better authority than that power which had vanquished the greater part of the continent of Europe. The French had carried the Roman military system to a degree of perfection which the inventors of it never could have foreseen it would have reached. They had distinguished their national guards into sedentary and moveable. He thought this principle could be advantageously applied to the constitution of our militia. There would, however, be so many opportunities of discussing the measure in all its details, that he would not, for the present, trespass any longer upon the indulgence of the house.

Mr. *Windham* rose to offer a few remarks upon the plan of the noble lord, but he could not help previously making one observation upon what had just fallen from the right hon. gent. who spoke last. The right hon. gent. had expressed a hope, that the time was now arrived in which a permanent system would be adopted for the defence of the country. Why this hope should be entertained by the right hon. gent. now, rather than at any former time, he was at a loss to conceive, and it appeared to him rather curious that such a hope should be entertained by those who were now breaking up the system already established. It was as absurd as a call for unanimity would be at the very moment when matter of contention and dispute was brought forward. The question was, what it was upon which they were to settle? The right hon. gent. certainly could not expect, that he should agree to a system which went to subvert another which he wished to see permanent. As to the grand plan of the noble lord, this was not the proper time for discussing it. He called it a grand plan, because grand it certainly was, when he considered the persons from whom it came, the mighty preparations which had been made for its introduction, that it was full of complexity and involution, of ingenious and intricate machinery, of springs of various powers, and of wheels within wheels, or, to borrow an expression from the Critic, that it was replete with business, incident, and bustle, and likely to keep the reader in suspense to the very last scene of the last act. Without, however, at present, entering into the details of the measure, which certainly did not conform to the rule, 'quod potest fieri per pauciora, non debet fieri per plura,' he would merely say a few words upon it in relation to the object which it was meant to accomplish. In all plans of this sort there was a unity of purpose, and that which the present had in view was to promote the supply of the regular army, and to guard against a danger peculiar to the days in which we live,—the defence of the country against the invasion of a foreign enemy. The difficulty of accomplishing the first part of this object, he contended had been very much increased by the noble lord, because the measures which had been adopted for the purpose of attaining it, and which bad fair for attaining the purpose for which they had been adopted, had been completely frustrated in their operation by the noble lord. The noble lord had set out with defeating the measure of inlisting men for a limited period, and now he was about to introduce a bill for the purpose of destroying the Training act. The noble lord had talked in his speech as if he (Mr. W.) had placed great virtue in the Training act; but he would tell the noble lord, that he never had expected much from it in the way of training, though he certainly had expected a good deal from it in the way of enrolment. If the object of the noble lord was to train a certain number of men for the military service, a question immediately arose, how much training he would purchase by a sacrifice of convenience, for in the same proportion as he added to the one he necessarily took from the other. All, then, he could accuse him of was, of having taken the major compromise between the two; and if that was the case, it was not too late to correct the error into which he had fallen. Instead of this, however (said Mr. Windham), in order to deliver you from this raw head and bloody bones, for such he seems to consider the Training act, he grafts upon it powers of greater severity, and is about to do now what would have been done under it only in the last extremity. If the noble lord imagined that his plan could be carried into execution without much inconvenience, considerable expence, and great prejudice to the morals of those who were to be embodied under its provisions, he was very much mistaken. And if he did not choose to defer to his opinion upon the subject, he requested that he would consult any serious judicious magistrate; who would not only confirm what he had now stated as the probable effect of the present measure, but would likewise tell him, that the evil resulting to the morals of the volunteers by withdrawing them from their homes and assembling them in large towns, was a strong objection to their being called out on permanent duty. The noble lord had also stated his conviction, that the volunteers would have consented to all the regulations with which he meant to accompany his present measure, if those regulations had been proposed to them when they first offered their services to the public; and this conviction he founded upon the zeal and alacrity which they displayed in the performance of that duty which they had voluntarily imposed upon themselves. But, it surely might have occurred to the noble lord, that there was a wide difference between performing a voluntary and a compulsory engagement. He would advise the noble lord at all events to adhere at least to the spirit of the Training act, and to give them more training, if he thought that to be necessary. But, the great advantage which the noble lord seemed to imagine the present measure possessed over the other was, that by the present measure he would have regimented men, whereas, by the other, they would not be regimented. The difference as to qualifying them for actual service, was really not worth talking about. In neither case could the men be at all fit for acting in concert with the regular army, and with a view to their being drafted into the army as recruits, they would learn so much of the military exercise under the Training act, such as knowing their right hand from their left, how to handle a musket, and to fire with powder and ball, as to enable them to become effective soldiers in as short a time as they would do under the system of the noble lord. The noble lord had talked a great deal of the volunteer force, and he (Mr. W.) was disposed to give them every degree of credit for the purity of their motives, for zeal and good intentions; but it was quite childish to consider these corps as fit to act along with the regular force. Would an officer, he asked, employ one of these corps to cover his flank, or to maintain an important post? It might be as well contended that a frigate might be placed in the same line of battle with a first rate. The right hon. gent. vindicated his military system from the reflections thrown upon it by the noble lord, contending that it had procured more men to the army, during the time that it was in force, than the old system of recruiting, and that the advantages of which it was productive would have been more and more felt every year, if its operation had not been disturbed. The great motive for all the freaks and whims and complicated machinery, of which they had now a sample before them, he declared to be a taste, an appetite, a passion, a rage, for getting soldiers for life. This was the great principle which set the machine in motion; but there was another on which its movements in no small degree depended, viz. that of opening a source of patronage and influence. There was not a single job connected with the system which he introduced, from beginning to end. It had no other object but the good of the people, and providing for old soldiers, who could make no return to those who watched over their interests. But here they were to have a regimented force; where there were regiments, there must be officers, and the noble lord was not ignorant that every grant of this kind was matter of favour. In this way, he declared the volunteer establishment to be the greatest source of favouritism and of enmity ever possessed by a minister. By way of sample, he stated the following circumstances: under the former administration 200 officers, who had for the most part been in the army, were employed on the recruiting service; when the present ministers came into power, they removed these officers, and appointed 2000 volunteer serjeants in their room. One would naturally suppose that the number of recruits would have been increased, in consequence of this arrangement, in the ratio of ten to one. The fact was, however, that the 200 officers had procured 2000 recruits, whereas only 600 had been procured by the 2000 volunteer serjeants. It was true that the officers had 40*l.* whereas the serjeants had only 10*l.* each; but the officers were obliged to give security to return the money if they did not bring recruits, whereas the serjeants were under no such obligation. The right hon. gent. concluded with begging that gentlemen would put to themselves two questions relative to the present measure; the first was, what necessity there was for it? the second, whether it might not be traced to the motive of wishing to bring back the old system of having soldiers for life?

Lord *Castlereagh*, in explanation, denied that he had abandoned the right hon. gent.'s training system. All he wished was, not to carry it to greater lengths than what was necessary. With respect to the recruiting officers from the army alluded to by the right hon. gent. they were 400 in number when he came into office, and were rapidly increasing. A serjeant was attached to each, so that the expence to the country was considerable. It had, therefore, been determined by his majesty's government, that those among them who had not evinced any exertion, should be dismissed. The volunteer serjeants had only commissions given them to enlist, but no sum, unless the men were raised. Certainly, the inspecting field officers were allowed to make advances to those serjeants, and the only reason why no bond of security was given by them on those advances, was the large duties on such bonds.

General *Tarleton* contended, that the time for making a radical reformation in an army was peace and not war; and that the army in this country, if a proper disposition were made of it, would be amply sufficient, without the imposition of any additional burden upon the people, by ballot or otherwise, to repel whatever enemy might venture to attack us. The pathetic manner in which the right hon. gent. had so repeatedly deplored the subversion of his military system, reminded him of the lamentation of Rachel over her children, who, according to the Scriptures, 'would not be comforted.' Among other regulations which he thought it would be adviseable to adopt in the present juncture, he strenuously recommended the formation of camps for the exercise of our army, both regulars and militia. He was convinced also, that if the volunteers were united for a time to regular troops for the purpose of sharing in their discipline, and of being instructed by their example, it would have an excellent effect, by awakening their dormant spirit, and by inspiring the whole of our military force with the greatest enthusiasm and patriotism.—Leave was then given to bring in the bill.

[STIPENDIARY CURATES BILL.] The *Chancellor of the Exchequer*, after narrating the proceedings of both houses, relative to the former bills on this subject, stated, that as the house seemed to be of opinion generally, that the condition of the Curates of this country was such as required amelioration, he should now move for leave to bring in a Bill for that purpose. He should propose that, in most cases, those gentlemen should have a salary equal to one-fifth of that of the beneficed clergyman; but that, in no case, it should exceed 250*l.* per annum. With respect to the apportionment of those salaries to curates which were to be below that maximum, he confessed, that he had rather that the mandate should have been peremptory on the bishops, than that they should have an option; but he found, upon inquiry, that the majority of the most weighty opinions was in favour of the proposition for giving a discretionarypower to the bishops. He had therefore conceded to the weight of those opinions, and given such a discretion in the bill. If the measure should meet the approbation of his right hon. friend (Mr. Foster), he believed a similar bill would be brought in for Ireland. In the present bill, he had to inform the house that he had also made a provision similar to that which had been lately made by a right hon. friend of his, namely, a provision for the residence of the clergy. He concluded with moving, "That leave be given to bring in a bill for making more effectual provision for the maintenance of Stipendiary Curates, and for their residence on their cures."

Lord *Porchester* reprobated in strong terms the principle and real object of this bill, the most unconstitutional that was ever submitted to the consideration of parliament. He was astonished that the right hon. mover should think of persevering in such a measure, after being thrice defeated in his attempt at carrying it into a law. It was not with the amelioration which it proposed in the condition of the subordinate clergy, nor with the alledged purpose of enforcing the residence of clergymen in their respective parishes, that he had any inclination to find fault. His hostility was directed against the monstrous and unconstitutional power which it gave to the bishops over the rectors in their respective dioceses, a power which subjected the property of every rector to be invaded or mulcted, without any proof of improper conduct, merely at the caprice or whim of his bishop. The noble lord concluded by observing, that he feared the right hon. mover was in this measure the organ of a secret influence behind the altar, as formidable and as designing as that which was now ascertained to exist behind the throne. Its object was to introduce into the church establishment a system of rigorous puritanism, the unfailing source of unconquerable bigotry and rancorous persecution.

Mr. *Babington* defended the bill, as calculated to produce two desirable effects, namely, an increase of comfort to the active curate, and the advantage of a resident clergyman to the parish.

Mr. *Creevey* coincided with his noble friend, and declared his determination to oppose the bill in every stage. He designated it, if operative, as an act of plunder on the property of the rector, and if inefficient, one carried under false pretences through the legislature.

Sir *Ralph Milbanke* thought, in justice, that a liberal compensation should be made to the curate, proportioned to the duties performed, and to the receipts of the living. Where they amounted to 500*l.* per annum, he thought 100*l.* a year but a fair allowance.

Dr. *Laurence* considered the bill as an innovation, and said he would take another opportunity of stating his objections fully on this subject.

The *Chancellor of the Exchequer* replied to the objections advanced against the measure, and enforced the necessity of going into a committee, when the opposers of the bill would have an opportunity of submitting their various amendments and modifications.—After some brief observations from Mr. Tierney and Mr. Windham, leave was granted to bring in the Bill, under an implied undertaking that its principle was to be fully discussed on the committal of it.

HOUSE OF COMMONS.

Wednesday, April 13.

[Sugar Distillation.] Lord *Binning*, chairman of the Committee appointed to consider of the propriety of confining for a time to be limited, the Distilleries to the use of Sugar and Molasses in the manufacture of spirits, brought up the Report of the said committee.*

Sir *H. Mildmay* thought it right to apprize the house, that the part of the Report which went to prohibit the use of grain in distillation, though sanctioned by a majority of the committee, had by no means its unanimous approbation. If any legislative measure should be proposed on the Report, tending to carry that principle into effect, he gave notice that he should feel it his duty to oppose it. There was no sufficient public ground for such a measure, and it would be extremely injurious to the barley counties, one of which he had the honour to represent. He was confident that his constituents would give him instructions to oppose the proposition, and that they would petition against the measure.

Mr. *Chute* agreed with the hon. baronet. The landed interest was sufficiently depressed, and the influence of members whose consequence arose from trade was already sufficiently great, without striking a general blow at an extensive branch of the agriculture of the country. He should give his determined opposition to the measure.

Mr. *Western* spoke to the same effect.

Admiral *Hervey*, as a member of a barley county, found it impossible to allow the measure to be announced, without announcing at the same time his determined opposition to it. He could not help ascribing the design to party motives: a rumour had reached his ears, that the members for Norfolk, Suffolk, and Essex were excluded from the committee in its formation, because they were barley counties.

Mr. *Hibbert* could not suffer misconceptions, such as those expressed by the hon. members who had spoken before him, to go abroad, and operate uncontradicted during the recess. Though he was a merchant, he felt the importance of agriculture as much as any man, and knew that the principal dependence of the country was upon it. It would be found, when the Report should come to be examined, that the committee had looked not only to the interests of the West Indies, but also more particularly to those of the country at home, taking into consideration the present state of its foreign relations, which probably would occasion a total stoppage, for a considerable time, of the usual supplies of grain from abroad. Under these circumstances, the committee had thought it wise to recommend the suspension, for a time, of the use of grain in distillation, and not, as was supposed by some, a permanent substitution of sugar and molasses. On a general view of the state of the country and of the continent, it appeared wise to adopt this measure, as a timely precaution against a scarcity. It was a satisfaction, that in adopting this measure of precaution, an important article of British produce and property might be brought in to supply the other demands of the public, and that a relief could be thus afforded to a deserving class of the community, and new vigour imparted to a principal branch of the revenue. He did not think the proposed measure would cause a fall of 6*d.* a quarter on barley; if he did, he would not vote for it. But if such a fall should unexpectedly be the consequence, the report contained a recommendation to the privy council to take measures immediately to return to the use of grain. Such was the nature of the report which had excited so much alarm, and which had met with such unusual opposition, before its nature was communicated or understood.

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* See Appendix, p. lxxxi.

Lord *Binning* thought the discussion premature till the report should be printed and in the hands of members a sufficient time for consideration. He did not conceive that the right hon. gent. on whose motion the committee was formed, had passed over the members for Norfolk, Suffolk, and Essex, because these were corn counties. He himself had voted in favour of the recommendation to prohibit the use of corn in distillation, but he by no means would have done so, if he could have thought the prohibition likely to prove injurious to the landed interest.

Mr. *Lushington* thought it must be a most extravagant degree of alarm that could suggest to one member that the barley fields would lie uncultivated, and to another that the representation of the people, and composition of the house of commons, would be deteriorated by affording the relief which West India produce required, which could be afforded without injury, and to which persons interested in the West India colonies were well entitled. The committee had been formed as fairly as possible, by including a just proportion of every interest concerned. He hoped the landed interest would take up this matter fairly and dispassionately. The country gentlemen must reflect but little if they did not see that the depression of the West India trade would infallibly aggravate their own burthens.

Mr. *Brand* allowed that the West India trade was entitled to relief, and would be ready to support any relief given at the general expence of the country. What he complained of was a relief proposed to be given by the injury and oppression of the barley counties. A committee was not to be appointed to revise and bring into question the fundamental principles of public economy, so decidedly laid down by Hume, Stuart, and Smith, in this country, and by Turgot and Condorcet, in France. The uncertain wealth of speculation should not be supported by the sacrifice of the certain benefits of agriculture. He should look to the Report narrowly, and oppose it in every stage, if, as he feared, it contained a recommendation to prohibit the distillation of corn.

The *Chancellor of the Exchequer* said the committee had by no means been appointed in opposition to the established principles alluded to by the hon. gent. who had just sat down, or with a view to consult the interests of the colonies, at the expence of those of the mother country. The circumstances which called for the investigation of the committee, were of a temporary nature; so was the relief proposed in the report. These circumstances applied to the mother country as well as the colonies, and so did the relief; and so far was it from being intended to do any premature injury to agriculture, that not even a momentary depression of the price of grain was to take place without a power to put an end to the proposed restriction. He would express no opinion as to the propriety of carrying the recommendation contained in the report into effect. He had formed no opinion; he had avoided forming any till he should have the whole subject and evidence before him in the report. The committee had been appointed to consider the depressed state of the West India produce, and what relief could be afforded by introducing the use of sugar into the distilleries, or by any other means. The committee had taken into consideration the state of our foreign trade, and the probability of our being for some time deprived of our usual supplies of grain from abroad. And upon the general consideration of the state of the country, and of the West Indies, the report had been framed. These were matters which it was no absurdity to refer to a committee, nor to receive a report upon them. As to the formation of the committee, it was made up of country gentlemen, general merchants, and persons connected with the West Indies. So far was the rumour from being founded, which stated that the members for three particular counties had been purposely passed over, that it was his intention to have named a member for one of those counties, (Norfolk) if he had noticed him in attendance previous to the appointment of the committee. Of four members added to the committee subsequent to its formation, one only was a merchant, distinguished for his information, and the other three, gentlemen of the landed interest, of whom one, the hon. baronet behind him (sir H. Mildmay) had taken a very active part in the committee. At the same time that he professed and felt so great regard for the interests of agriculture, he thought that if by bringing an additional article of food into market, a former article should sustain some falling off, there would yet be no reason to complain, any more than if by putting three or four hundred thousand acres of waste land into cultivation, the general price of provisions should be reduced. He hoped that after the report should be printed, and a reasonable time afforded for its consideration, the sense of the house would be taken upon it, in order that the suspense that now existed should be brought to an end.

Mr. *C. Ellis* condemned the opposition shewn to the report as premature; the object of the report could yet be scarcely known, and certainly the reasons on which that object was founded, and the regulations and restrictions by which the proposed measure was to be accompanied, were not. He was satisfied, that no member of the committee would have voted for the report, if there could have been the slightest idea that the measure proposed would be injurious to agriculture. The committee was fairly formed of persons selected from every interest, and framed its report from the best view of the general situation and circumstances of the country.

Admiral *Harvey* declared himself satisfied after the explanation of the chancellor of the exchequer, that the rumour of the members for the corn counties having been excluded from improper motives, was without foundation.

Mr. *Windham* knew nothing of the Report but its substance, and would reserve a perfect freedom of opinion till he had particularly examined it. He thought it right, however, to observe, that the illustration adduced by the right hon. gent. opposite did not apply. Bringing an additional quantity of land into cultivation only increased the supply of the article, and extended the competition in the market; but, in this case, there was a prohibition of one article, and an exclusion of one set of dealers.

Sir *J. Sinclair* stated, that the agricultural part of the community throughout the empire had felt the greatest alarm since the committee had been formed. It was therefore essential that the Report should be printed as speedily as possible, and that it should be circulated through the country, and full time given for the consideration of it. Then the sentiments of the farmers and land-owners might be conveyed to parliament; the case would be decided on an attentive view of the whole of the merits; and the landed interest would receive that protection to which it was entitled.

Mr. *Manning* said, the attention of the committee was always directed to the interests of the country, as well as to those of the West India trade. He should have felt himself unworthy of the trust reposed in him as a member of the committee, if he had acted on any other principle. The measure recommended was but of a temporary nature, to be in force for twelve months from the 1st of July next; and if the restriction should at any time be found injurious to the price of corn, it might be removed without delay. But, if the restriction on the exportation of corn from the port of London to the colonies should be taken off, the landed interest would gain more by opening that trade than it could by any possibility suffer from the limitation. He thought it right to state this now, to correct as far as possible the misconception and alarm that had gone abroad. Such explanation was the more essential, as from the voluminous nature of the Report, it would be a long time before it could be printed and circulated in such a manner as to do itself that justice. As a proof of the impartiality that regulated the formation of the Committee, he stated, that he did not know his name was on the list till he heard it pronounced from the chair. Most of the merchants on the committee were wholly unconnected with the West-Indies.

Mr. *Macleod* stated, that the greatest alarm prevailed in the county he represented (Ross), and the adjoining county of Sutherland, at the idea of the measure recommended in this report. He was sure there would be meetings, and petitions to parliament on the subject.

Lord *Binning* then gave notice, that unless some other person should offer a motion to the house founded on the Report, he should do so in proper time.

[Stipendiary Curates Bill.] The Chancellor of the Exchequer brought in a bill to encourage the residence of Stipendiary Curates.

Mr. *M. A. Taylor* would be glad of a provision that would secure even the residence of Curates; for the only object of many of those who possessed a plurality of livings, was to get the duty done as cheaply as possible. The Clergy Residence act had in a great measure failed from the facility of procuring licences. He knew an instance of a clergyman who had two livings in different parts of the country, who procured an exemption from residing at any of them; from the one upon a certificate that the country did not agree with his constitution, and from the other because the country did not agree with his wife.—The bill was then read a first and second time, committed and reported.

[Finance.] Mr. *Biddulph* having maintained, on a former night, that the interest and sinking fund for the sum wanted for the service of the year, might be found without imposing any new taxes on the subject, had to propose certain Resolutions with a view to that object, which he hoped the house would allow to be laid on the table, and to be printed, in order to their being taken into consideration on a future day.—On the suggestion of the chancellor of the exchequer, it was agreed, that the Resolutions should be read, and the debate arising on them adjourned to Friday fortnight.—Several Resolutions relating to the amount of Supplies voted, the surplus of the Consolidated Fund, &c. were read and disposed of accordingly, but on a Resolution proposing the sale of some parts of the Hereditary Revenue of the crown,

The *Speaker* stated, that it was contrary to precedent that the house should interfere with the hereditary revenue of the crown, without the authority of a special communication from his majesty.

The *Chancellor of the Exchequer* said his majesty had not been consulted.

Mr. *Biddulph* proposed to reconcile this proposition to the forms of the house, by making it the subject of a recommendation, or in some other way, so as to have it brought under the consideration of the house.

Mr. *Lethbridge* hoped the hon. gent. would withdraw his motion. It was quite improper to think of interfering with the hereditary revenue, without his majesty's permission, intimated either by a special message or by his confidential advisers.

Mr. *Biddulph* refused to withdraw his motion, and thought the difficulties of form ought to be accommodated rather than made a bar to the consideration of a proposition, the object of which was to save the subject from any additional burthens this year. As certain property, such as warehouses and legal quays, had been purchased by money from the Consolidated Fund, and vested in his majesty, so he thought parts of the other property of the crown might be granted for the service of the public. He did not mean to touch any property essential to the dignity, splendour, or comfort of the crown. The property he alluded to consisted chiefly of detached houses and small pieces of land in Piccadilly, and other parts of the town, to the sale of which he could not see any good ground of opposition. He would give a schedule of this property in due time. It consisted, first of property attended with constant loss; secondly, of trifling rents, which had constantly declined in value from the time of Philip and Mary, when they were worth 5,100*l*, to the present time, when they were worth only 1500*l.* and still falling off; thirdly, of detached houses, such as he before alluded to. This species of property was unavailable, either to the dignity or interest of the crown, and he was sure his majesty would have no difficulty to make it matter of arrangement to alleviate the burthens of his people.

The *Speaker* repeated the impediment in point of form.

The *Chancellor of the Exchequer* expressed his readiness to abandon the Bills he had introduced to provide for the interest and sinking fund for the sums wanted for the public service, if the hon. gent. could devise means of answering these claims without new taxes. He would be grateful, even, for any suggestion that could tend to diminish the taxes he had felt himself called upon to propose; but he did not see how what the hon. gent. proposed, so far as he understood it, applied to the service of the present year. It was true, that some unproductive parts of the hereditary revenue had already been sold; but it was by the advice of the crown, and in consequence of recommendations founded upon proper inquiries and investigation. It was true that legal quays and warehouses had been purchased by the public and vested in the crown, and that considerable sums had been paid for them to the amount of 3 or 400,000*l.* But though the public might have thought it right to purchase at a high price, for public accommodation, the good will of individuals who had a vested right in these possessions, it did not follow that the property was of that value, or that it would produce near so much on a re-sale. With respect to the parts of the hereditary revenue, which the hon. gent. wished to make subject to parliamentary disposal, it was now matter of consideration with the surveyors and commissioners under the direction of the crown, how to dispose of the unprofitable part of this revenue, and to vest the produce in profitable property. It was, however, a step that ought not to be taken without mature consideration. Though there was an impediment of form, which precluded the house from entertaining the Resolution, the hon. gent. might rest assured that his suggestion would not be left unattended to.

Mr. *Biddulph* replied, that he was very willing to withdraw the resolution, if the rt. hon. gent. would endeavour to procure for the object of it the recommendation of the crown.—On the suggestion of the Speaker, the last Resolution was withdrawn, and the consideration of the other Resolutions was postponed to the 25th of this month.

[Irish Protestant Charity Schools.] The Report of the Committee of Supply was received, and the Resolutions were agreed to.—Upon the Resolution for granting 20,000*l.* to the Protestant Charter schools of Ireland,

Mr. *Parnell* rose to draw the attention of the house to a circumstance respecting those institutions he had before alluded to, and which he thought ought to be redressed. A sort of Catechism had been composed for those schools, called the 'Protestant Catechism,' which did not dwell, as the Catechisms we were best acquainted with, upon prayers, creed, or commandments, but went almost entirely to abuse the tenets of the Catholic church, which were completely misrepresented in it. Almost all the assertions which were in this book respecting the doctrines of the Catholic religion were completely unfounded; they were in contradiction to the doctrines which the Catholic children learned in their prayer book, and which the Catholic body professed and avowed. He then read several extracts from this 'Protestant Catechism,' as it was called and compared them with the Catholic prayer book, and with the declaration solemnly subscribed by the Catholics. The effect of impressing such gross misrepresentations on the minds of young children could be only to increase those religious animosities which every good man wished to allay as much as possible. Among the doctrines which 2000 children were now taught at those Protestant charter schools, were these 'that the body of the Catholics conceived that no allegiance was due to the king, and that faith was not to be kept with heretics.' It was evident, that they must hate those whom they conceived capable of entertaining such sentiments. At a time when the liberality of parliament was appealed to in support of this institution, he conceived it would be a proper time to reform this abuse, and to prevent such a Catechism being taught at these schools.

Sir *A. Wellesley* was sorry that this subject had been drawn into discussion in that house. It had already engaged the attention of the Board of Education, who would probably give directions respecting it. He certainly never had seen the 'Protestant Catechism,' nor was he acquainted with those documents which the hon. gent. quoted to refute it; but he thought, that when he had stated what was taught in some schools, he ought also to have stated what was taught in others. He had been informed, that at several Catholic schools children had been taught to read, not in the Bible, but in Paine's Rights of Man, and in books which gave an account of what the Roman Catholics of Ireland had suffered from the Protestants. Such an education as this would breed them up in a fixed and rooted hatred to Protestants.

Mr. *Grattan* bore testimony to the good management of the charter schools in other respects; but he condemned this 'Protestant Catechism,' which had been composed for their use. Among other extracts which he read from it was one where the child is asked, was there any salvation for persons in the communion of the church of Rome?' The answer to it was in substance, 'that their souls were in great hazard if they did not embrace the light when it was offered them, and abjure the errors in which they were brought up.'

Mr. *Elliot* read from the Roman Catholic prayer-book, which was published by the sanction of the four Catholic archbishops of Ireland, and which was put into the hands of all the Catholic children of that country, doctrines totally different from those which had been imputed to them in this 'Protestant Catechism.' The precepts in the Catholic prayer-book were allegiance to the king, and respect to existing governments. In that part of it which related to love and charity to our neighbours, the question is put to the Catholic child, 'Who is your neighbour?' the answer is, 'mankind of every persuasion, and we are bound to love those who differ from us in opinion, and even those who injure us.'

Sir *J. Newport* thought that it was no sort of excuse for such doctrines being taught in our charter-schools, which were national institutions, under the controul of government, and paid by the public, to say that at some obscure Catholic school doctrines as mischievous were taught. He thought his hon. friend had done very right in bringing the business forward in this manner, as it was often by the animadversions of the public that the grossest abuses were corrected. It was not above 14 years ago when no children could be educated at those Protestant charter schools but the children of popish parents, and it was very lately a custom to send the children from the South of Ireland to the North, and change their names for the purpose of cutting off all intercourse with their parents or relations. Those abuses had been hitherto principally corrected by becoming subjects of general conversation and censure.

Colonel *Barry* supposed it possible that this 'Protestant Catechism' might have been composed before the Catholics formally and solemnly disavowed the sentiments imputed to them.

Mr. *Fitzgerald* (knight of Kerry) said, that Mr. Parnell had been absolutely obliged to bring the matter before the house, as he had been defied to produce such a Catechism at the time he alluded to it. The Catechism had now been produced, and it was a composition only fit for a Portuguese jesuit, in the 16th century. If Ignatius Loyola had now been alive, and was chancellor of the exchequer for Ireland, he must have been quite ashamed to defend a Catechism like this. Its object was evidently to institute a hatred for every person of a different religious creed; and when we were asked to pay 20,000*l.* per annum for those schools, it was time to require that the Catechism should be laid aside.

Mr. *Parnell* said, that he had not intended to find fault with any thing else in these institutions, and having mentioned this matter publickly, he should not refuse to vote the sum named in the resolution.—The Resolution was then agreed to.

[PETITIONS AGAINST THE ORDERS IN COUNCIL.] The Chancellor of the Exchequer having moved the order of the day for the house going into a committee on the Petitions against the Orders in Council, and the house having gone into a committee, several witnesses were called in to answer the evidence in support of these petitions. —The house resumed, and the chairman obtained leave to sit again on Tuesday se'nnight, with an understanding that the evidence in support of the Orders was then closed, and that the witnesses which had been named on a former day by Mr. Tierney should then attend.

HOUSE OF COMMONS.

Thursday, April 14.

[MINUTES.] Two new writs were ordered to be issued, one for the borough of St. Mawes, in the room of Scrope Barnard, esq. who has accepted of the office of steward of the Chiltern hundreds; the other for the borough of Wareham, in the room of sir G. T. Calcraft, who has accepted his majesty's hundreds of East Hendred.—Mr. Graham presented a petition from the South London water works company against the Vauxhall bridge bill, which was ordered to lie upon the table.

[LOCAL MILITIA BILL.] Sir *J. C. Hippisley* begged to put a question to the chancellor of the exchequer, in the absence of a noble viscount, who had brought in this bill; which was, Whether any exception was to be made in favour of those balloted men, who had relied on the faith of parliament for not being again called upon till the lists of their respective parishes were exhausted? For such was the construction of the law: and gentlemen, like himself, who had acted in carrying into effect the provisions of the late Militia Transfer bill, had witnessed the anxiety expressed by such persons as stood in this situation.

The *Chancellor of the Exchequer* could not resolve the question, from his recollection of the provisions of the bill.

Sir *J. C. Hippisley* observed, that he put the question, not merely from knowing how interesting the result must be to those who stood in this predicament, but also in compliance with a requisition which had been made to him.—Adjourned till Tuesday the 26th instant.

HOUSE OF COMMONS.

Tuesday, April 26.

[Irish Clergy Residence Bill.] On the order of the day for the second reading of the Irish Clergy Residence bill,

Sir *John Newport* said, he fully concurred in the measure, so far as it went: but this bill fell very far short of the efficient purposes for which it had been framed. He thought it should make more ample provision for curates, who, in case of the non-residence of the rectors, would have to do the whole of the duty, and that the power of dispensing with, or enforcing residence, should not rest with the bishops. The person who did not reside on his living, ought to give a considerable portion of the profits to him who did reside, and who performed the duty. He was also at a loss to know why this bill contained no provision to augment the salaries of curates. The hon. baronet then stated instances of curates having no more than 20*l.* or 25*l.* a year.

Sir *A. Wellesley*, in reply, said, that it was his intention to propose an augmentation to the salaries of the curates in Ireland; which he should do, either in the committee on the bill of his right hon. friend, or by a separate bill. With respect to the hon. baronet's observation against granting power to bishops to dispense with residence, he was afraid that, as pluralities must exist in Ireland, in consequence of the present state of the church there, it would be impossible to enforce residence in every instance.

The *Chancellor of the Exchequer* said, his right hon. friend had considerably limited the cases where non-residence was allowed in Ireland. And it would be for parliament hereafter to see how far the power of dispensing with residence had been extended. With respect to the curates of Ireland, it was his wish that the provision for augmenting their salaries should be consolidated into a bill of a similar kind for encreasing the salaries of the curates in England.—The bill was then read a second time, and ordered to be committed on Thursday.

[Petition of the East India Company.] Mr. *C. Grant* presented a Petition of the United Company of Merchants of England trading to the East Indies, setting forth,

"That the petitioners, for many years last past, have been entitled to, and have carried on, and are now entitled to, and carry on, the sole and exclusive trade between the United Kingdom of Great Britain and Ireland and the East Indies and China; and the petitioners are also in the possession of certain territories in the East Indies yielding a large annual revenue, the immediate government of which territories is exercised under the orders of the Court of Directors of the petitioners; but the supreme superintendence, direction, and controul of all acts, operations, and concerns which in any way relate to the civil or military government and revenue of the said territories, has been for many years past, and is now vested in the Board of Commissioners appointed by his majesty for the Affairs of India, according to the act of parliament in that case made and provided:—That the petitioners' concerns are principally of two kinds, one of which regards the civil and military government of the said territory, its political relations, and the Indian debt incurred in respect thereof; the other of which regards the commerce carried on by the petitioners, and the debts and credits of the petitioners relating thereto:—That the petitioners, being established by law as the only channel of commercial intercourse between his majesty's dominions and the East Indies and China, the legislature has, from time to time, imposed restrictions upon the powers which the petitioners, as a corporation, might otherwise have exercised, and has provided regulations for the conduct of the concerns of the petitioners, and particularly with respect to the raising of money at home for these purposes; by reason whereof, and by reason that the petitioners' concerns are intimately connected with those of the public, and are of a nature and magnitude which cannot be managed by the means applicable to those of individuals, the petitioners have been obliged, on different emergencies, from time to time, to apply to the house for relief on various points:—That, in the course of the last and the present war, the petitioners have incurred various expences for expeditions from the continent of India to the French, Dutch, and Spanish Islands in the Indian Seas, and to Egypt, under the instructions of his majesty's government, which expences were advanced upon the reliance of the petitioners that they were to be fully reimbursed by the public, and different sums have at different times been issued to the petitioners in respect thereof; nevertheless the petitioners claim that a large balance is still due to the petitioners on that account:—That the petitioners were, on the 1st of March last, indebted to his majesty for Customs and for Excise, to the amount of 1,410,238*l.* and are still at this time indebted to his majesty on the said account in the sum of 770,000*l.*; and, upon a prospective estimate of the pecuniary transactions of the petitioners in England, from the 1st of March last to the 1st of March 1809, it appears that the payments, including the said debts to his majesty, to be made by the petitioners within that period, will exceed the probable amount of their receipts within the same period by the sum of 2,433,185*l.* or thereabout, not including in the said receipts any part of the balance which may appear to be due by the public to the petitioners; and it would be highly inconvenient and disadvantageous that the petitioners should raise the whole of that sum by the means now in their power:—That the petitioners are not conscious of having created or aggravated the financial pressure which the petitioners now feel, but that the same has been produced by a combination of the following causes; that is to say: 1. The vast amount of the Debt accumulated in India in respect of the territorial possessions, and the high rate of interest which such Debt bears, the effects of which have been to intercept the surplus of the Indian Revenue intended by parliament to be derived from thence to the commerce of the petitioners, and to occasion large drafts on the petitioners at home for payment of interest on the said Debts, as well as payments for political charges appertaining to the Indian territory out of the home funds of the petitioners: 2. The very large sums advanced by the petitioners for the expeditions from India before-mentioned, part of which was borrowed in India at a high rate of interest:—3. The deterioration occasioned in the affairs of the petitioners by a state of European war since 1793, under the following heads: 1st, in freight and demurage, which, in the course of 14 years, have created an increase of expence to the petitioners by the sum of 7,000,000*l.* sterling; 2d, in the increased cost of the manufactures of this country exported by the petitioners, to the annual amount, on an average of 13 years from 1793-4, of about 1,690,000*l.* sterling, which increase has not been counterbalanced by an increase in the selling prices abroad of the same goods, nor by diminution in the cost of goods purchased abroad for importation into England; 3d, in diminution of profits on the Indian investments homeward:—4. The large supplies in goods and bullion sent out to India and China by the petitioners between the years 1802 and 1806, exceeding very considerably the returns which have been made them in the corresponding number of years; those supplies were originally furnished for the purpose of increasing the investments of the petitioners, in order that by increased commercial profits, joined to increased revenue savings, the Indian debt might be in part liquidated; but in the years 1803 and 1804, when those supplies arrived in India, great part thereof, particularly of the bullion, was absorbed by the expences of the war then carried on against the Mahrattas; and in 1805 to aid the Indian finances of the petitioners in the said war, they still sent large supplies of bullion, besides the usual exports of goods, which latter were also, to assist the manufactures of this country, continued to be exported upon an extended scale to India and China in 1806, all which exports in the said several years are among the more immediate causes of the pressure now felt upon the home finances of the petitioners, the returns hitherto received for the said exports falling, as already observed, far short of their amount:—5. The comparatively small investments which were sent home to the petitioners from India during the years 1803-4-5, whereas, if investments in proportion even to the amount usual in preceding years had been sent home they could then have been sold, and would have produced a considerable influx of money into the petitioners' treasury in England, which would have been ready to have counteracted the effect of the very small sales which in the present state of Europe can only be made, and which tends to the further embarrassment of the affairs of the petitioners:—6. That anterior to the period of 1802 mentioned under the 4th head, and during a period of ten years, from 1797 to 1807, the advances made out of the petitioners' funds at home, for supplies in goods and bullion sent to India and China for payment of bills of exchange drawn upon the petitioners from thence, and for sums paid in England on account of political and military charges appertaining to the Indian territory, have very largely exceeded all the returns received in the corresponding period from the said countries, which by an account carefully made out appear to be indebted to the home concern in the said period to an amount exceeding five millions sterling.—That the petitioners do not presume to request the interposition of the house to aid them in their present emergency, without at the same time shewing their unquestionable ability to discharge all their present debts in England, and to repay whatever the house may in its wisdom think fit to assist them with; for, independent of the Indian Debt which the petitioners submit is justly chargeable on the Indian territory, the petitioners beg leave to state that, on the 1st of March last, the sum total of debts, carrying interest and not carrying interest, owing by the petitioners in England, then amounted to the sum of 9,122,621*l.* (not including the amount of their capital stock, but including the debts hereinbefore mentioned to be due to his majesty for Customs and Excise), and the sum owing by the public to the petitioners, taking the same as it stands in the annual accounts at 2,460,000*l.* and other good debts due to them in England, together with the value of the petitioners' goods now unsold in their warehouses, and of the petitioner's houses, warehouses, and other property in England, amount to the sum of 14,149,623*l.*; and moreover, the petitioners certainly expect further goods from India and China in the course of the present year to the amount of 5,271,000*l.* which, added to the last-mentioned sum, will make their actual property in England amount to 19,420,623*l.* from which the debts aforesaid being deducted, there will remain a balance of 10,298,002*l.*; but taking only the amount of the goods now unsold in their warehouses, being 7,815,305*l.* and the amount of goods to be expected in the course of the year, being 5,271,000*l.* both will make an aggregate of property amounting to 13,086,305*l.* and if from this be deducted the estimated amount of sales in the course of the year, there will still remain at the end of the year goods to the amount of 8,307,092*l.* as a security for any loan that may be made:—That the various Accounts and Estimates necessary to support an application by the petitioners to the house for relief in the premises could not be made out in time for the petitioners to prepare and present a petition thereon before the time limited for receiving private petitions was elapsed; and therefore praying, that in consideration of the circumstances of their case, leave may be granted to them now to present to the house their petition, praying that the house will be pleased to take the matters aforesaid into their consideration, and to grant to the Petitioners such relief in the premises as their case may require, and to the house shall seem meet."—The Petition being read by the clerk,

Mr. *Grant* said, that as the affairs of the East India Company were already under the consideration of a committee of that house, which was then employed in investigating them, he would move, That the Petition be referred to the said committee.

Mr. *M. A. Taylor* said, although he should be inclined to bow to any recommendation of that committee, yet he could not help thinking the most fair way would be to refer this Petition to a special committee, as it appeared to be a question of very great importance, in order to ascertain whether the East India Company were preferring a claim or a demand. He thought that as such a full investigation was necessary, the hon. gent. who presented this petition ought to have given the house a regular notice of his intention to refer it to the consideration and investigation of a committee. He did not wish to enter into any discussion of East India affairs at present, but he thought that when the house were to be induced to agree that such a sum should be given away, the case ought not to be submitted to them in such a thin house. In the most common cases such notices had uniformly been given, and was it not absurd to endeavour, under other circumstances, to make the house sanction and encourage a demand to that extent upon the public? He hoped, therefore, that a regular notice would yet be given, for he could not so permit one shilling of his constituents to go towards the East India company. He had been formerly one of the East India committee, and then thought, as he still did think, that that company was a monopoly that ought not long to exist. This was a question which would yet come to be discussed; but he could not permit any question of this kind to go on without reminding the house of the fallacious hopes that had been held out, that the East India Company would be able to assist the funds of this country upon a future occasion. In what way, he would ask the house, were they to do it? Had they any means of doing so when such claims were submitted? The Committee now sitting would, no doubt, make out their Report in the most judicious manner; but unless he should see vouchers and accounts laid before the public, in the same manner as private merchants would do were they submitting similar claims, and not the mere statement that they had resources here and resources in India, he for one could not be convinced of their actual capability. Having had access to their papers, he could not help thinking this monopoly was a drawback to the general trade of the country, by affording the Americans to draw off one half of our trade, and tended to prevent it in future from becoming more extensive. He thought it was, therefore, the indispensable duty of ministers to inquire, whether, under such circumstances, they should propose to parliament to renew the company's charter, which would expire in 1811? He was one of those who would never consent to the renewal of that charter for another three years after that year, provided he had then a seat in that house.

Mr. *Creevey* thought the house under obligations to his hon. friend, for the manner in which he had brought this subject forward. Being a member of the committee for inquiring into the affairs of the India company, he had an opportunity of seeing documents which enabled him to form an opinion, that the Company never would be able to repay the loan they were now calling on parliament to grant. There was a deficit in the present year's account of no less than three millions; and what reason was there to suppose that the Company would not come next year and call for another loan? If the money they called for now was granted, it must be considered as a gift, and not as a loan. It, therefore, was necessary immediately to consider whether the monopoly ought to be renewed. The Company was now carrying on a trade without any surplus revenue, by borrowing money at a high interest. Their trade was daily decreasing, and the Americans had become their rivals in it. Some means should be devised to stop this American trade, in order that it might be transferred to British subjects. With an annual loss in trade, the company was obliged to borrow money annually to pay the dividends to the holders of stock. Therefore, until the monopoly was entirely put an end to, there ought to be a limitation of stock, and a stop put to the payment of dividends, unless the same could be paid out of the profits.

Sir *John Newport* considered the sum now demanded as nothing less than a gift; and as Ireland must be obliged to contribute a part of it, he would now lay his claim on behalf of Ireland, to a revision of the act by which Ireland gave up her right to any part of the trade to India, in order that she might receive remuneration for her losses in consequence of this monopoly. This was the opinion of all the commercial bodies in Ireland, who felt that if they contributed any thing towards relieving the East India company, they ought to have a share in the trade.

Mr. *Grant* declared that he had no wish to take the house by surprise, or to pass any measure of importance in a thin house; but he conceived that many of the observations just made, had a tendency to prejudice the company in the eyes of the public, and therefore he would make a short reply to them. With respect to the trade of the Americans to India, the public laboured under a great mistake. The situation of Europe was such as necessarily to check the extent of our Indian trade; and the neutral state of the Americans enabled them to derive advantages from that trade, which it was not in the power of the company to prevent. Whenever this case should come to be fully discussed before the house, sufficient evidence would be shewn to remove every prejudice that might exist on the subject. None other could supply the continent of Europe with Indian produce, but the Americans; and it was not the fault of the company that they engrossed so great a share of the trade. With respect to the observations which fell from an hon. gent. (Mr. Creevey,) he did not know how far it was regular for a member of the committee to give an opinion from documents which, in that character, he had access to, and thus prejudice the judgment of the house, before any report was made. The company had the guarantee of parliament to expect that their present request would be granted. He denied that it was to be considered in the light of a gift; and he hoped the house would be of opinion, that the petition ought to be referred to the committee up stairs, as the best qualified to consider the nature of it.

Mr. *Ponsonby* said, that it was clear, that whatever the company might be able to do at a future period, they were now unable to pay their dividend, and called upon that house to enable them by a sum of money, to be raised upon the country, to supply their deficiency, and enable them to pay the dividend of their particular stock. He thought that before the house agreed to dispose of 2,400,000*l.* of the public money, the public should know the real state of the company, and be no longer imposed upon by the delusions that had prevailed so long and to such extent. It might be right, or it might be wrong, to comply with the prayer of the petition, but in either case the country had a right to expect that there would be no underhand dealings, and that every thing would be carried on, fairly and openly. Whether the total suppression of the company would be a national injury was a very different question, and one he should think it rash for him to go into any opinion upon; but it was a question of no little moment to ascertain, whether even the lending or giving this sum would maintain the East India Company as a solvent company for the national benefit.

The *Chancellor of the Exchequer* said, that there was at present no call for a determination whether it was fit to comply with the prayer of the petition or not. That question must depend upon the Report of the Committee. With regard to the complaint of an hon. gent. that no notice had been given, he conceived that it was not customary to require a notice of an intention to present a petition. If indeed there had been any doubt or difficulty with respect to the motion, founded upon it, that might be a good reason for a delay in the proceeding. But the whole that was now proposed was, to put the petition in a state of enquiry, and for that purpose nothing could be so proper as to refer it to the committee actually employed in the investigation of the subject to which it related; and there was no occasion therefore for any notice. The right hon. gent. who spoke last had begged that he might not be considered as pledging himself to any assent to the prayer of the petition by not objecting to this reference. This caution was unnecessary, because nobody could be pledged till the result of the inquiry was known. He did not take notice of this merely to observe that it was unnecessary, but he thought it right to advert to it because the right hon. gent. had given it as his opinion, that it ought to be assumed that this was not a loan but a gift, and that this gift was asked in order to enable the company to make a dividend of 10 per cent. to the holders of their stock from the public money. This, however, was exciting a prejudice against the Company, without any real foundation for it. It was expressly denied that the sum was requested as a gift; but, at all events, facts were stated that required examination. The Company offered to make out that they were to a certain extent creditors of the public; and nobody seemed to deny that some hundreds of thousands were due to them from the country. If we chose to refuse any assistance to the Company in their distress, we ought at least to take care not to contribute to that distress, by withholding from them what of right belonged to them. Whether something more ought not to be done for the Company in their present situation, was a point upon which it would be much better to reserve any opinion till the report of the committee was laid before the house. It was, certainly, a very grave question, even in a national point of view, whether, for want of some aid from the country, under a temporary pressure, the affairs of the Company should be suffered to fall into utter confusion. If they made out a case that called for this aid, and it should be judged adviseable to grant it, could we in justice attach conditions to the grant, which would render it no benefit, but the contrary?

Mr. *M. A. Taylor*, in explanation, said, that he had not asserted that any notice was requisite before presenting the petition. What he did say was, that in a question of this magnitude it would have been proper to have given notice of the motion for reference.

Mr. *Ponsonby*, in explanation, stated, that he had given no opinion as to the propriety or impropriety of complying with the prayer of the petition. He had merely said, that this must be considered as a gift, and not a loan, and his reason was, that if the credit of the Company was sound, they might borrow money upon it without coming to parliament: another reason was, that after all the promises as to the assistance they would be enabled to give the public, they had never advanced more than 500,000*l.* for that purpose. He should be glad to find by the Report of the Committee that the affairs of the Company were in a flourishing condition; but he confessed he saw no good ground for anticipating so fortunate a result.

Mr. *Tierney* stated that the Company had a right, by act of parliament, to increase their capital to a sum equivalent to four millions, and last year parliament authorised them to issue bonds to one half that amount. He considered this application as similar to that of last year. The Company now had a right to demand a debt of 1,200,000*l.* from the public, and after that was satisfied, they were well entitled to claim a loan of an equal amount. He thought it was dealing hardly with the Company to make statements merely on presenting a petition, before any documents were laid before the house, and he therefore considered the observations of his hon. friends as premature. No one knew what calamities might fall on the country from this great body being involved in distress. A strong disposition existed out of doors to get rid of the charter of the Company; and though many might think this a proper occasion to introduce that favourite subject, he thought it would be time enough to do so hereafter, and when that day came he knew the opinion he should give. No one, however, could say, that this act was a forfeiture of the company's charter; and after they had abstained so long, from pressing their just claims on the public, it seemed rather a hard return to raise a clamour against them as persons suing parliament for gifts. With respect to the speculations and promises of two noble lords (Melville and Castlereagh), that the Company would realize such magnificent schemes, he had only to observe, that it was the noble lords, and not the Company, that had made these promises; and therefore the company could not fairly be charged with a breach of faith. He could not consider this money as a gift, and if it could be shewn, that the state of the Company required such assistance, he would join with those who thought it better to abolish the Company altogether. This was a great commercial body, labouring under distress not brought upon them by vice or mismanagement, but by the state of the world; and they merely required that relief which government would give to any commercial men under similar difficulties, and which had been done some years ago with advantage to the public as well as the merchant. He concluded, by expressing his wish, that the affairs of the Company might undergo a complete investigation.

Sir *John Anstruther* observed, that the East India company had not come, as some gentlemen imagined, to ask the house for any indulgence but such as had been granted to other mercantile companies, and on former occasions to themselves. They had, some years ago, applied for and obtained similar relief, which they had invariably returned to the public; and he could not see why they should now be refused assistance, when they shewed the same grounds for it, and had kept their faith so well on former occasions. He denied in strong terms that there had been any attempt on the part of the Company to delude the public, or to keep from them a fair state of their affairs, and deprecated the ingrafting on this subject the question of the policy of throwing open the East India trade. He trusted that when this question came to be discussed hereafter, it would not be canvassed in a mere commercial point of view, but that the whole political bearings of the case would be taken into consideration, both as relating to the welfare of that country, and, in his opinion, to the very existence of this. He would not, however ready he was to enter upon this investigation, trouble the house further on this occasion, than to express his doubts as to the practicability of the export trade to India being carried on by individual exertion, whatever facility opening the intercourse of private traders might afford to the importation of East India goods.

Mr. *Howorth* insisted, that there had of late been a total suppression of the East India Company's affairs, and the last budget had only brought them up to 1803-4, since which time not a document on the subject had been produced. Neither were there any documents in support of the petition, and he considered it only fair and reasonable, that before parliament granted any aid, a complete state of the Company's returns, sales, profits, and assets, should be laid before it.

Mr. *R. Dundas* replied, that it was not usual to produce documents in support of the allegations contained in a petition, but that the only reason none were offered in this case was, that they could not be prepared in time for the petition to be presented within the limits prescribed by the house. As to the deficiency of the East

India accounts, it was owing to no wish for concealment at home, but arose from their not having been received from India. In reply to the allusion that had been made to a noble lord in the other house, he said, however sanguine his views might have been on some occasions, he had always stated the grounds on which they were founded, and solicited investigation.

Mr. *Tierney*, in explanation, said, that he meant no more than that the noble lords had been much too sanguine in their calculations.—The motion was then agreed to.

HOUSE OF COMMONS.

Wednesday, April 27.

[Dead Bodies Interment Bill.] Mr. *Tremaine* rose pursuant to the notice he gave yesterday. He said that in various cases of shipwreck, dead bodies were cast on the shores of this kingdom, which sometimes could not receive the common rights of burial. This was a disgusting circumstance, and disgraceful to the character of the country. The cause was, that parish officers were afraid to order bodies to be buried, on account of the expences they might bring upon the parishes. His object in the present measure, was to propose that parish officers should be compelled to bury all bodies so cast on shore; and that the expence of the same should be defrayed by the counties. Also, that rewards should be given to persons discovering dead bodies, and giving information of the same to the parish officers. He then moved for leave to bring in a bill to that effect, which was granted.

[Irish Tythes.] Mr. *Parnell* moved, that there be laid before the house, an account of the number of Civil Bills, respecting Tythes, which have been tried before assistant barristers in Ireland, during the year ending the 1st of Jan. 1808.

Dr. *Duigenan* said these causes were so numerous and so scattered through different parts of Ireland, that he did not see how it was possible to procure the returns which the hon. gent. desired.

Mr. *Parnell* replied, that the objection stated by the learned doctor, was the principal reason why he wished to have such returns laid before the house. It was because these processes were so numerous, and because litigations respecting tythes in Ireland had increased to so great a pitch, that he thought it necessary for parliament to have the fullest information concerning the existence of the evil. He did not suppose the returns could be made this session; but it could not be difficult to make them, because the assistant barristers must have kept a register by them of each trial, of which it was easy for them to make a return: and all he wanted was, the number of trials altogether, which he conceived a matter of great importance to have made known.—The motion was then agreed to.

[Fifth Military Report.] Mr. *Wardell* gave notice, that on Monday he would move several amendments in the bill for increasing the Assessed taxes. While he was on his legs, he would take that opportunity of asking his majesty's ministers, whether it was intended to adopt any new regulations in pursuance of that part of the Report of the commissioners of Military Inquiry, which related to the abuses in the medical department of the army?

The *Chancellor of the Exchequer* observed, that if the honourable gentleman recollected the period at which the report he alluded to was made, he must not conclude, that there was any neglect of duty on the part of the ministers, if they had not finally determined what measures ought to be adopted on the subject.

Mr. *Wardel* replied, that he was not satisfied with the answer he had received, and wished to know if it was intended to bring forward any proposition on this subject at an early period.

The *Chancellor of the Exchequer* said, he could not give a precise answer to the question, but the hon. gent. was at liberty to fix on any time he chose, for bringing the Report under the consideration of the house.

[Cultivation of Flax in Ireland.] Sir *John Newport* said, he understood by public rumour, stated in some of the newspapers, that in consequence of the deficiency of Flax-seed imported this year into Ireland, owing to the embargo in the American ports, a considerable quantity of the flax-seed remaining in G. Britain, and which was intended to be expressed into oil, had been sent over to Ireland, and allowed to pass. As this was a subject of great importance to the kingdom, inasmuch as it involved in it the staple manufacture of Ireland, he wished to know if there was any truth in the rumour.

Mr. *Foster* said, he only knew of this rumour, from what he saw in the newspapers. It was, however, natural to suppose, that persons in Ireland would wish to get seed whenever they could: and that persons in this country, having seed, would dispose of it in the best manner. It was suggested to him by some persons, that seed might be sent over from this country. He indulged the speculation, and sent communications on the subject to the linen board, with directions that orders should be conveyed to the different outports in Ireland not to let any flax-seed be imported which was not good in respect to its quality.

[IRISH SPIRIT DRAWBACK BILL.] The house having resolved itself into a committee on the Irish Spirit Drawback Bill,

Sir *John Newport* rose to complain of it as the renewal of a measure which, when originally passed, was nothing less than a violation of the act of union. It appeared to him that such articles of the union as were beneficial to G. Britain and injurious to Ireland, were acted upon, and that no disposition had been manifested by the parliament to promote the prosperity of Ireland. He was one of those who, in the parliament of Ireland, had supported the union, because he expected many important benefits from it to that country. If these benefits were not to follow from it, the union must be considered as a curse instead of a blessing.

The *Chancellor of the Exchequer* said the sentiment just expressed by the hon. baronet, respecting the union with Ireland, was one calculated to produce as many mischievous consequences as any that ever had been uttered in that house. He called on the hon. baronet to state one instance in which the principle he alluded to had been acted upon by parliament. If he knew of any instances in which a disposition prejudicial to Ireland had been shewn, let him bring them before the house. As to the principle of the present bill, the hon. baronet did not withhold his approbation towards it at the time when he had a seat in his majesty's councils. If ever there should be a question to be decided, whether advantages were to be granted to Ireland or to G. Britain, he was confident that the house, so far from acting injuriously towards Ireland, would be inclined rather to turn the scale of advantage in her favour. He could recollect no instance in which the proceedings of that house could justify the insinuation of the hon. baronet.

Sir *J. Newport* stated, that he considered the act of union to have been violated in the law for disallowing the drawback on the exportation of spirits distilled in Ireland; inasmuch as undue advantage was given to the English distiller in the English market. In that instance, he contended, the interest of Ireland was largely sacrificed; and that bill was introduced at the end of a session, when the attendance of members was very thin. He thought it fairer to state his opinion, as well as the opinion of many others, in that house, than to have it canvassed out of doors. He had supported the union originally, because he had hoped it would be productive of many public advantages to Ireland. He did not think so now, for he saw innumerable instances in which the interests of that country had been sacrificed.

The *Chancellor of the Exchequer* observed, that the hon. baronet, though called on to prove his assertion, produced only one solitary instance. Now, if the house should come to the examination of the act of union, and the hon. baronet should state the article which he considered to have been infringed by this bill, he himself would undertake to prove that such article was one which required explanation, and that what had been done was strictly conformable to the spirit of the act of union. Let not the hon. baronet make general charges, but state the specific grounds on which his principle stood. As to this particular bill, he surely could not object to the continuance of it for a certain time.

Mr. *Foster* declared he had always found in that house a most favourable disposition towards Ireland. The bill in question was the only instance the hon. baronet could produce to prove his assertion. He defied him to produce any other; or even to shew in what manner this bill was unfavourable to Ireland.

Sir *J. Newport* said that spirits were prohibited from being sent from Ireland to England, unless they were warehoused.

Mr. *Foster* replied, that there never was an instance so opposite to the thing he wanted to establish, as that noticed by the hon. baronet. That bill had been introduced by a friend to the Irish distilleries, namely, by himself. It permitted them to warehouse their spirits if they chose, and to export them with as much drawback as could be allowed consistently with the articles of union. It was therefore rather favourable than otherwise to the Irish distiller.

Mr. *Mac Naghten* conceived that nothing could be more mischievous than to suffer such language as that used by the hon.

baronet to go uncontradicted to Ireland. No circumstance could be so dangerous to the peace of Ireland, as that of declaring that her interests had been sacrificed by Great Britain. I have, continued the hon. gent., been a member of this house, and attended here since the union, and I declare to God, I know of no instance in which the disposition of the house has not been always favourable to Ireland.

Mr. *Wilberforce* declared, he never felt more pain than he now did, at what fell from his right hon. friend. He had ever observed in that house a disposition to do the amplest justice to Ireland. The present charge was not alone directed against his majesty's ministers, but against every member of that house, and he felt it was directed against his own parliamentary conduct. He hoped his right hon. friend would abstain from sowing the seeds of hostility between the two countries, and endeavour to do away the effect of his assertion.

Sir *J. Newport* persisted in his assertion. He avowed every deference to the opinion of the hon. gent. but said he could not be deterred by any imputations upon his motives, from making his complaints in that house, where they might be answered or redressed, rather than out of doors, where they could only excite murmurs and discontents.

Mr. *Parnell* contended that his right hon. friend was right in the supposition, that the act would tend to injure the Irish distillers. If the act of union gave an advantage in one point to one of the countries, he supposed it gave an equivalent to the other: that was matter of consideration at the time of its enactment, and certainly it would be highly unjust now to alter any of the provisions which were advantageous to Ireland. He thought the imputation cast on this act was perfectly justified by the circumstances: as to the surprise which the chancellor of the exchequer intimated, at the supposition that this bill went to injure Ireland, he did not see any particular grounds for it: the report of the committee now sitting on the subject of distillation he thought might tend, together with the operation of this act, materially to prevent the sale of Irish manufacture.

Mr. *D. Browne* considered the speech of the hon. baronet as calculated to do much mischief in Ireland; the interests of which country, he contended, had always been treated with candour and fairness by that house.

Mr. *W. Taylor* objected to the present bill as unnecessary.

The *Chancellor of the Exchequer* observed, that the act in question was in force while the hon. baronet was in administration, and he made no complaint against it during all that time, nor introduced a single regulation for encouraging the spirit trade of Ireland, although it was entirely in his power. Therefore, as this was the only instance the hon. baronet could advance to show that Ireland had been unfairly dealt with, he hoped the house would attach to it the weight which it deserved.—The bill then went through the committee.

[Irish Supplies.] In the committee of supply, Mr. Foster moved, that there be granted to his majesty a sum not exceeding 10,000*l.* Irish currency, to defray the expence of publishing proclamations and advertisements in the Dublin Gazette, and other papers for the year 1808.

Mr. *Parnell* rose for the purpose of moving, that the words 'and other papers,' be left out. He stated that these proclamations were extended by government to other papers merely for the purpose of undue influence. There was no necessity for this: it entailed an exorbitant expence on the country, which was increased as much as possible by the editors of newspapers, for their own emolument. He instanced three cases out of many in which old proclamations were actually inserted for no other purpose; one of them was of so old a date as 1805, warning all his majesty's good and loving subjects in 1808, of a fever which raged at Gibraltar at the first issuing of the proclamation. A second was also inserted in 1808, giving notice of a limitation to the exportation of goods from Ireland, which limitation expired in 1807. A third was lately inserted also, giving notice of a supply of seamen wanted in 1805. Such was the service for the support of which parliament was now solicited; if he did not miscall that a service which was in itself unnecessary, or made necessary only for the purposes of corruption.

Sir *A. Wellesley* contended, that there was no additional expence incurred by the re-publication of those old proclamations which were alluded to, as the editors were generally paid by the year, and not for each particular publication. As to any attempt at influence, he disclaimed it as far as concerned himself altogether; nor did he think the publication of these proclamations any proof of such an intention. It was notorious, that amid a variety of Irish papers there were many particularly adverse to the government of the day, which contained these proclamations.

Mr. *Windham* considered the admission of the last speaker conclusive in support of the amendment moved by his hon. friend. If the editors of newspapers wished to promote the sale of their papers, they would, naturally, reprint all those proclamations which referred to important national objects, and where there were minor or subordinate documents, the parties interested in their operation would take care to inform themselves of their nature and tendency by means of the Dublin Gazette. The present mode was proved to be a job, and ought instantly to be abolished.

Sir *A. Wellesley* said he could not see how the grant of that money was in any degree abused; it certainly was not his fault if the editors made a bad selection of proclamations.

Mr. *Parnell* said, there appeared to him to be a regular traffic carried on between the press and the government in Ireland; it seemed as if the first step of each succeeding ministry was to see what each editor would sell for. There was a peculiar loss attending the insertion of these proclamations, inasmuch as they paid no stamp duty, and so prevented the insertion of advertisements that did. As to the arguments made use of to shew the disinterestedness of government by extending the proclamations to opposition papers, he thought they made against those who produced them, as they shewed not only an inclination to increase the expence to the country, but also to try to the utmost what temptation could do.

Mr. *Croker* said, that being intimate with an editor of an Irish newspaper, he had remarked to him particularly the circumstances now alluded to, that of the reprinting old proclamations. The answer the editor gave was "Indeed, to tell you the truth, we often are so barren of news, and so pinched for want of paragraphs, that we consider ourselves very well off when we can make shift with a convenient proclamation; it is not very interesting to be sure, but then it serves to fill up the paper."—He said inferior newspapers only republished them.

Mr. *Parnell* said, he had not intended to state the names of the papers he alluded to before, but now he would do so, for the purpose of shewing they were not inferior papers, as the hon. member seemed to insinuate; the papers were, the Evening Correspondent, and the Dublin Journal.—The amendment was then negatived without a division.

HOUSE OF LORDS.

Friday, April 29.

[Danish Vessels detained previous to Hostilities.] Lord *Sidmouth* said, he was under the necessity of again calling the attention of their lordships to the papers for which he had moved on a former occasion, respecting the detention of Danish vessels, previous to the declaration of hostilities against Denmark, and the condemnation of those ships subsequent to that declaration. On a closer examination of the Papers which were laid on the table yesterday, he found that no return had been made to two of their lordships orders; that which regarded the number of ships detained before the declaration of war against Denmark, and that which regarded the number of Danish subjects detained before that declaration. He had seen, indeed, a letter from the Admiralty to the Transport Board, stating the order by which the return of the number of prisoners was required; but no exact return had been made to that order, though the answer was not sent back for six days after the receipt of the order. Under these circumstances, which would prevent him from bringing forward his motion on this subject as soon as he had expected, he must now renew the motion he had made immediately before the recess, and move That a return be made forthwith to the third and fourth orders of their lordships of the 18th March last.

Lord *Holland* rose to express his wish, that the noble viscount would not be dissuaded from persisting in his motion, even if the papers he had moved for should not be produced to the extent he had desired. There would still remain matter of great importance in the object of the motion, and which nearly concerned the honour and character of this country. It appeared, that many of the Danish ships which had been detained previous to the declaration of hostilities, had been brought before the Admiralty Courts, and had been ordered to be released; but that on the declaration of war being issued, these same ships were again detained, and afterwards condemned. Was not this stimulating the avarice and rewarding the rapine of individuals? Against such violence and injustice he could not but raise his voice, and that more earnestly than against the Droits of Admiralty, which were now ascertained to amount to more than the enormous sum stated on a former occasion by the noble viscount. He must therefore again request his noble friend not to relinquish the object of his motion, which was to put an end to so flagrant a system of plunder and injustice, as that to which he had been just alluding.

Lord *Hawkesbury* would not now enter into the discussion of the question which his noble friend's motion must involve on a future day. He should only remind the noble viscount of the circumstance of the detention of some Prussian ships under similar circumstances, when the noble viscount himself was a member of the government at the time. He should at present only wish, that when the Papers were produced, the noble viscount in giving notice of the day on which he should bring on his motion, would have the goodness to state somewhat more precisely the nature of the motion he intended to make, as the subject on which it turned was one of great magnitude and extent.

Lord *Holland* in explanation complained, that ministers seemed to think of nothing but crimination and recrimination. He blamed the conduct of no particular minister, but only reprobated a system of iniquity which had grown into practice of late years.

Lord *Sidmouth* assured his noble friend that he would not abandon the motion. When he alluded to it yesterday, he had observed that it had nothing of crimination in view, but that it would only go to stop the progress of the practice that had been resorted to and in his opinion was highly unjust, and to prevent further injustice being done to individuals. Whenever he should have the honour to bring forward that motion, he should not despair of being able to prove, that the object in its nature was wholly different from the case to which the noble secretary had referred. As, however, some delay might occur in producing the returns he had moved for, he must defer his motion to a more distant day than Tuesday next.

HOUSE OF COMMONS.

Friday, April 29.

[Paymaster General's Accounts Bill.] Mr. *Long*, in pursuance of his notice, rose to move for leave to bring in a Bill to accelerate the examination and auditing of the Accounts of the Office of the Paymaster-General of his Majesty's Forces. It was not requisite that he should trespass long on the house, to show the necessity of a measure of this description. Since the passing of the bill, known by the name of Mr. Burke's Bill, only five accounts from the office of the Paymaster-General had been delivered in, only one of which had been examined. That one related to part of the year 1782, so that there were accounts laying unexamined and unaudited for the last 25 years. He did not attribute this circumstance to any neglect in those who had held the office which he now had the honour to hold, or to any neglect in the office of the secretary of war, but to a defect in the existing laws. He was far from disapproving of the general regulations in Mr. Burke's plan; but, with all the respect which he entertained for that right hon. gent.'s memory, he confessed that he did not think that his habits had peculiarly qualified him for arranging subjects of this nature. The right hon. gent. here entered into a minute detail of the system that had prevailed previous to Mr. Burke's Bill; of the system which it was intended by Mr. Burke's Bill to carry into effect; and lastly, of the system which he meant to propose to the house. He meant to propose, that the examination and audit of the Paymaster-General's Accounts should in future not depend upon the arrangement of regimental accounts, but that his account should be a cash account. Having said that none of the accounts of the Paymaster-General's office had been examined for the last 25 years, he should be sorry that an unfounded and disadvantageous impression should be made on the public, by that statement. The fact was, that all sums issued from the Paymaster-General's office were issued to sub-accountants, who rendered accounts for the disposition of those sums to various other offices; so that it was evident that the greater part of those accounts were actually examined. The only part of them which had in a great degree remained unexamined, was the part which related to regimental accounts. No person could be more satisfied than he was of the extreme importance of examining these regimental accounts. The subject was now engaging the attention of that Committee from whose labours the public had already derived so much advantage; but, whatever might be their decision with respect to regimental accounts, it would not at all affect the propriety of enacting, that the account of the Paymaster-General should be considered as a cash account, and be audited and examined as such. He therefore moved for leave to bring in a bill accordingly.

Dr. *Laurence* contended that it was the intention of Mr. Burke, in his bill, to accomplish the object which the right hon. gent. proposed. He dwelt at some length on the hardship to which Paymasters were exposed, who, having quitted office for many years, were called upon to make up their accounts, when the documents by which they might be enabled to do so were exposed to be stolen, and actually were stolen, for the purpose of sale to tallow chandlers and others, engaged in various businesses in which waste paper was necessary.

Mr. *Long* again disclaimed any imputation whatever on Mr. Burke; but still contended, that his bill did not go to make the Paymaster's account a cash account.—Leave was granted to bring in the bill.

[Maynooth College.] The house having resolved itself into a Committee of Supply,

Mr. *Foster* rose to move the Resolution for a grant to Maynooth College. The grant in former years had been 8,000*l.* Last year it had been increased to 13,000*l.* for the purpose of enabling that institution to erect buildings capable of containing fifty additional students. It was his intention to move in addition to the 8,000*l.* of former years, by which 200 students had been maintained, an additional sum for the maintenance of the 50 new students; he therefore moved, That a sum not exceeding 9,250*l.* Irish currency, be granted to his majesty to defray the expences of the Roman Catholic Seminary in Ireland for the current year.

Sir *John Newport* moved to leave out the sum 9,250*l.* for the purpose of substituting 13,000*l.* In the original establishment of the college at Maynooth, 200 students were then educated. This was when Europe was in a state of tranquillity. Previous to the French Revolution, 478 students were educated on the continent for the Catholic priesthood of Ireland, (of whom 426 received gratuitous support), Maynooth College not being able to provide a sufficient number for the discharge of the ecclesiastical functions. Conceiving it to be of the utmost consequence that the Catholic priesthood should be educated in their native country and under the eye of government, the last administration had thought it right to listen to an application to augment the number of students at Maynooth to 400. The contingencies of war had driven many Catholic priests from the continent to Ireland, by whom the vacancies in the priesthood had for a time been filled up; but of these, many had died, and others had become superannuated. It was manifest, therefore, that if the education of 426 students was necessary in 1793, a less number would not do at the present moment, considering the rapid advance in the population of Ireland since that period. On these considerations the last administration founded their plan, and he was at a loss to conceive why it was intended to depart from that plan, except because it was the plan of the last administration. Did the house wish the Catholic priesthood of Ireland to be composed of uneducated men? This must be the case, unless the right hon. gent. followed up his present motion by bringing in a bill to prevent the Catholic Bishops from ordaining any men who had not been educated at Maynooth. It was of most serious importance to the Irish community that the priests should be well educated men, and that they should receive that education at home, especially under the present circumstances, when all Europe was under the domination of Bonaparte. It was a well known fact that the Irish Catholic students at Lisbon, had some time ago received an invitation to the Catholic Institution at Paris. On this invitation being signified to the dignified Catholic ecclesiastics of Ireland, they expressed their determination to exclude from the priesthood any student, who should transfer himself from Lisbon to Paris. Was this a proper return for such conduct? Nothing could be more infatuated, than at a moment when the influence of the Roman Catholic priesthood in Ireland was stated to be so considerable, to take a step so decidedly hostile to that body. By such a step, the Catholics would not be made Protestants, nor would they be made better subjects; on the contrary, they would become worse, for by excluding from education a great portion of the priesthood, many of the parishes would be placed under the direction of uneducated men, who entertaining a lively resentment for the neglect which they had suffered, would instil into their parishioners an abhorrence of those to whom that neglect was to be attributed. The right honourable baronet read several papers in support of his sentiments, and particularly a letter from Dr. Dunn, dated the 4th of Nov. 1807, relative to the offer made by France, to the Catholic students at Lisbon, and the conduct of the dignified ecclesiastics of Ireland, on that occasion; and deprecated the consequences which must ensue from the system that seemed to be adopted on this subject, by his majesty's present administration.

Sir *A. Wellesley* declared, that the ground on which he was induced to concur in the motion of his right hon. friend was, his conviction that the number of priests who would be educated at the College of Maynooth, would, according to his right hon. friend's proposition, added to those educated in other parts of Ireland (of whom the right hon. baronet had taken no notice), be fully adequate to the purposes for which they were required. As far as he understood, the number of Catholic priests necessary in Ireland was 2000. One hundred and eleven students were educated in different parts of that island, which he enumerated; these, added to the 250 which it was proposed to educate at Maynooth, made 361. The term of education was seven years, but frequently it did not extend beyond five. Supposing, therefore, that on the average 50 students would annually become fit for ordination, he conceived that this number would be sufficient to keep up the necessary establishment. The fact was, that when the Maynooth Institution was first established, it was not intended that it should be maintained by the public purse. The memorial presented previously to the foundation of that establishment, prayed for a charter, in order that their funds might be better secured. With respect to the 478 Catholic students, who, according to the right hon. baronet, were educated on the continent before the French Revolution, the fact was, that most of them received priests orders before they went abroad. It would be found, upon enquiry, that about 300 of them supported themselves when abroad by the exercise of their functions as priests.

Mr. *Ponsonby* ironically observed, that he had great satisfaction in noticing the strong disposition to economy manifested by the right hon. gentlemen opposite. To this motive alone could the curtailment now proposed be attributed. It was not possible to suppose that it was dictated by a desire to counteract the intentions of the last administration, or by the avowal of narrow and bigotted sentiments to insult the Irish nation. That economy was the sole motive by which the present administration was actuated in this measure was evident by the Bill on the table, for Regulating the Police of Dublin: in the provisions of which so much attention had been paid to economy, that the annual expence to be incurred by it amounted only to a few hundreds less than 20,000*l.* though it was now proposed to cut off the sum of 3,750*l.* from the education of four millions of people. Instead of 2000 Catholic Priests necessary for Ireland as stated by the right hon. bart. he had always understood that 3000 were required. But taking the number at 2000, it was impossible that a provision for the education of 250 students could be sufficient to supply the deficiencies which sickness, age, and infirmities must occasion. If, however, there was any error in the computation, on which side was it preferable that that error should be? Was it preferable that there should be too many or too few? He would put this to the good sense of the house. The Catholics as a favour asked this monstrous sum of 3,750*l.* to put the foundation at Maynooth on a footing calculated to furnish a sufficient number of well educated men for the Church in Ireland. Was it wise to refuse them such a favour? To how many worse purposes would the house vote away many such sums in the course of the present session! It was impossible to believe that his majesty's ministers could refuse this request, for any other purpose than to enjoy the pleasure of a refusal. If the house wished wholly to discountenance the Catholic religion in Ireland, let them not vote a shilling for this purpose; but if they consented to grant any thing, let them grant enough, and let them grant it in a manner which would not be insulting to those by whom it was to be received. Why should the Catholics ask for more than they wanted? If they educated a greater number of priests than were requisite, what was to become of them? They must starve. It was their interest to have too few rather than too many. Considering the influence which the clergy in every country and of every persuasion, had over the people, it was wise in statesmen to keep the clergy at least in good humour with them. On this subject he was convinced, that the

Irish Protestants and Catholics were of the same sentiments; and that if we were to poll opinions in Ireland, there would be at least a hundred to one in favour of his hon. friend's amendment.

The *Chancellor of the Exchequer* disclaimed having ever stated a principle of economy, as the ground of the part he had felt it his duty to take on the subject of this grant. On the contrary, he was of opinion, that a saving of three, five, or ten thousand pounds, should not be any consideration to impede a measure of great and important public advantage. As to what the right hon. gent. had said with respect to the Bill now before the house, for the improvement of the Police of Dublin, he did not understand him to object to the grant for that purpose, and certainly the arguments he used in favour of an extended grant in the case under consideration, would apply with full effect in favour of that measure. The right hon. gent. argued, that the conduct of those who supported the original vote, arose from the pleasure they felt in refusing a boon to so large a proportion of the people of Ireland. But he was convinced that the generous mind of that right hon. gent. was incapable of supposing that any man could entertain such a sentiment. For himself, he felt no such sentiment, and when, from the perhaps mistaken view he had of the subject, (for he did not think himself infallible,) he was bound to refuse a grant that would be agreeable to a large portion of his majesty's subjects, it was always to him a painful duty. As to the assertion that the vote which he was to give was dictated by bigotry or intolerance, he could not admit that it could be ascribed to either. It was no part of religious toleration to make a provision for the education of the clergy of the tolerated sect. If it were so, they ought to go much farther, for the ministers of the Methodists, Anabaptists, and Quakers, would on that ground have as good a claim to education as the Catholic clergy; for in this respect, numbers made no difference. The present question was, therefore, unconnected with intolerance. It was the duty of the state to provide for the education of the ministers of the religion of its own establishment, but the same obligation did not apply to other sects. All that toleration required with respect to them, was, that no difficulty should be created to any measures they might take for their own education. On every question for an increase of grant, it was fit to consider what was the amount of what was enjoyed before. It was particularly desirable, after the establishment of the connection of this country with the Irish Catholics since the union, that the grant of the Irish parliament should not be diminished. The fact was, that by the vote then under consideration that grant was to be extended to a provision for one-fourth more than were educated heretofore. It appeared, besides, that 111 others were educated for the Catholic priesthood in different parts of Ireland. If he had his choice, he should prefer an education for them in open seminaries, in different parts of the country, where their intercourse with their friends would not be precluded, to the institution of one great monastic establishment, in which they would be debarred of all access to their friends. This institution had been supported from its foundation by public grants, which left the funds originally intended for it applicable to other institutions in different parts of the country. There was no impediment to Roman Catholics if they chose to employ their own funds for this purpose. But if, in consequence of an increased grant, a number of hungry pensioners, as the right hon. gent. had designated them, should be thrown upon the Catholic body, would not the next step be an application for a provision for them? It had been said, but not made out in argument, that seven years were necessary for the education of the Catholic clergy; but, on the contrary, it appeared from the papers, that most of the clergy had left the college in 4 years or less. On the whole, he thought that the supply of 361 would be sufficient to meet the demand of the Catholic clergy, and therefore should vote for the proposition of his right hon. friend.

Mr. *Ponsonby* insisted, that there had been an understanding between government and the Catholics, that a sum should be granted to this institution, sufficient to defray the expences of educating 400 students, and therefore he maintained that the present was a curtailed grant.

The *Chancellor of the Exchequer* replied that whatever might have been the understanding between the Catholics and the government of which the right hon. gent. was a member, parliament did not stand committed by any such pledge.

Mr. *W. Elliot* begged leave to explain how the fact really stood. The grant to the college of Maynooth, previous to the union, was only 8,000*l.* On the recommendation of the trustees for that institution, the late administration proposed to augment the grant to 13,000*l.* and the last parliament had actually voted this sum. Before this vote, however, could be carried into effect, that parliament was dissolved, and when the new parliament met, his majesty's present ministers wished to resort to the former sum; but finding that the trustees had acted upon the faith of receiving the larger sum, they had, in one instance, carried into execution the intention of their predecessors. Now, however, they seemed to have overcome, in part, their objection to granting more than 8000*l.* though they could not be prevailed upon to grant 13,000*l.* so that it was pretty evident, a compromise had taken place between conflicting opinions. It was probable, that the question had been discussed in the cabinet; that there was a difference of opinion respecting it, the terrors of popery falling more lightly upon the heads of some members in it, than of others; and that they had resorted to an expedient, not uncommon in private life, called splitting the difference. As to the statement of the right hon. gent. that it was unprecedented to provide for the education of the ministers of a religion not that of the state, he observed, that the state of the Irish Catholics was an extraordinary anomaly. They might wish the case to be otherwise, but they were to take the country as it was and to give it as much moral and political improvement as it was capable of. Gentlemen might talk of restraint; but that had been the principle of the penal code, and had failed. They might degrade the Catholics; they might make them bad Catholics, bad Christians, or bad subjects, but they could not by such means make them Protestants. There was no effectual mode of improving the condition of Ireland, but by instructing and enlightening the clergy and the people of the Catholic persuasion. As to the superior clergy of the Catholics, no persons could possess more real piety, exemplary morality, and sound political principles; and as to the parochial clergy, he believed that most of them performed their functions with fidelity and credit. If there were any exceptions they arose from the want of proper education. He thought that every means ought to be employed to give the Catholic clergy an education with native habits and feelings, and deprecated the impolicy of retracting any part of the former grant.

Mr. *Grattan* contended, that a provision for the education of 250 students would be insufficient to supply the vacancies that would occur in the Catholic clergy by deaths or casualties. To make up for this deficiency, the country would be left to two chances, private or foreign charity. One right hon. gent. had said that 111 were educated for the priesthood in private seminaries. But the education in these being only preparatory for the college, that was no education for the priesthood. By reducing the grant, the house would secure the ignorance and inveterate prejudices of a great portion of the Catholics. Proselytism was not to be expected under such circumstances. Religious conformity was impracticable, and political conformity, which was in their power, they would destroy by the course proposed. In endeavouring to enforce religious conformity, they would make the mass of that people inveterate Catholics and political enemies. Give them uneducated and ignorant priests, and you weaken the Protestant religion and the Protestant government. If provision be not made at home for the education of their clergy, they must seek it abroad. At present that could not happen; but we ought to look forward to a time of peace. Then they would go and bring back with them foreign connexions and foreign obligations. Why did we fear the Catholic religion? was it not from the foreign connexion which it involved? And whilst the spirit of Bonaparte pervaded the whole of the continent, was that a time for keeping up the connexion? The students that went abroad for education under such circumstances, would acquire the same Deistical principles and political antipathies that would spread every where around them. They would therefore return religious Deists and political Catholics, to the great danger of overthrowing the government. It was true, that neither the ministers of the Methodists nor of the Quakers were educated at the public expence; but they were few in comparison, and the Catholics formed the great body of the people of Ireland. If the priests had any influence over the Catholics, they should be educated with sentiments of domestic attachment, not with those of our political enemies. He doubted whether the priests had as much absolute influence over the people of Ireland as was supposed, and the cause was, that they were not well educated. If they wished the

Catholics of Ireland to be well conducted, they should make their priests objects, not of contempt, but of veneration. The Protestant religion was not to be extended by demoralising the Catholic clergy. They might civilise the people of Ireland, but could not make them Protestants. The saving proposed was very contemptible. The Catholics would gain by the larger grant, the Protestants would not lose, and the public could sustain no injury by it. On the whole, therefore, he should give his support to the amendment of his right hon. friend.

Mr. *Croker* gave his vote for the smaller sum, not from any indisposition to the great body of the Irish Catholics, but because 250 students, for whose education that sum was adequate to provide, were amply sufficient to supply the vacancies in 2000 parishes. He stated that 369 persons had been educated at the College of Maynooth, and that one fifth of these had not taken religious orders, but had adopted other professions. He likewise objected generally to the principles of the Maynooth Institution, because, from the circumstance of the education being entirely gratuitous, the students were persons from the lowest ranks of life; and if this were not the case, the higher classes of those who belonged to the Roman Catholic persuasion would bring up their sons as clergymen; of which, at present, there were few or no instances.

Mr. *M. Fitzgerald* thought it extremely impolitic to hazard the irritation of the Catholics of Ireland for the sake of the paltry sum of 3,750*l.* He lamented the ignorance which the chancellor of the exchequer betrayed of the character of the Irish people, of the actual situation of that country, and of the nature of the establishment to which the question now before the committee referred. The establishment had originated in the liberal and enlightened views of Mr. Burke, and had been dictated less by generosity than sound policy, because it might be considered as some remuneration for the illiberality which had marked the conduct of the British government towards the people of Ireland, for so long a period, during which they had been kept in a state of ignorance and barbarism. He reminded the right hon. gent. that the religion of Ireland once was the Roman Catholic religion, that it was by the confiscation of the property of the Catholics that those who now supported the right hon. gent. were enriched, and that it was from the same source that the University of Dublin, and the other Protestant seminaries, had been endowed. The system of the right hon. gent. had been tried and acted upon without success for a century; but, instead of its having obtained converts to the Protestant faith, it had only served to render the Catholics more firm and bigotted in their persuasion. If the Union had not taken place, he contended, that the establishment at Maynooth would have been enlarged by the Irish legislature, not only because the population of the country was increasing every year, but because the duties of a Roman Catholic priest were so laborious in their nature, that the number now employed were by no means adequate to a faithful discharge of the functions of the office. Mr. Fitzgerald considered it very unaccountable, that this should be the only grant to which a principle of economy was to be applied, when it was recollected the abundant liberality with which large sums had been granted in the course of this session for objects of far inferior importance. He alluded to two instances of such liberality in support of this allegation: 21,000*l.* had been granted in the course of the last five years, for compleating the buildings of the House of Industry, which had been nominally compleated before the Union; and 18,000*l.* had been voted to the Dublin Society, for encouraging agricultural improvement; an object which he allowed to be important, but which certainly was not so important as cultivating the public mind. The establishment of Maynooth, he contended, was conducted with the most rigid economy, and the only effect of the paltry saving that ministers now had in view, would be, to prolong the reign of ignorance, and to render the Irish priests the instruments of the peoples' fanaticism.

Mr. *Parnell* vindicated the Roman Catholic clergy, and read extracts from documents in the year 1793, when Defenderism broke out in Ireland, and in 1798, the period of the late Rebellion, to prove their loyalty and peaceful demeanour.—The question being now loudly called for, the committee divided,

For the larger grant of 13,000*l.* -	58
For the lesser of 9,250*l.* - - -	93
Majority - - - -	—35

List of the Minority.

Abercromby, J.
Anstruther, sir J.
Bagenal, W.
Baring, A.
Bewick, C.
Biddulph, R. M.

Bowyer, sir T.
Brand, T.
Calcraft, J.
Calvert, N.
Cavendish, lord G.
Cocks, E. C.
Colborne, N. W. R.
Combe, H. C.
Cowper, E. S.
Creevey, T.
Dundas, C. L.
Ebrington, viscount
Elliot, W.
Fitzgerald, M.
Fitzgerald, J.
Fitzgerald, lord H.
Fitzpatrick, R.
French, A.
Gower, earl
Grattan, H.
Halsey, J.
Hamilton, lord A.
Herbert, A.
Hippisley, sir J. C.
Howard, W.
Hughes, W. L.
Laing, M.
Lambe, W.
Latouche, J.
Latouche, R.
Laurence, F.
Longman, G.
Martin, H.
Montgomery, J.
Moore, P.
Morpeth, viscount
Newport, sir J.
North, D.
Ossulston, lord
Parnell, H.
Petty, lord H.
Piggott, sir A.
Ponsonby, G.
Porchester, Lord.
Prittie, Hon. F. A.
Pym, F.
Quin, W. H.
Russell, lord W.
Smith, W.
Smith, J.
Somerville, sir M.
Tierney, G.
Wardell, G. L.
Whitbread, S.
Windham, W.

HOUSE OF LORDS.

Monday, May 2.

[DEBTORS BILL.] Lord *Ellenborough* presented a bill, the object of which he stated to be the relief of persons imprisoned for small debts in certain cases, namely, where the party had been imprisoned in execution for twelve calendar months, and where the debt, exclusive of costs, did not exceed 20*l.* In such cases upon application to any of the superior courts at Westminster, the party might be discharged, but with a provision that his goods and effects should be liable to execution in the same manner as if the plaintiff had not taken in execution the body of the defendant. It might, perhaps, be asked why this power of discharge was not given, as in other cases, to the judges at their chambers? But there had been found in various instances so many openings for fraud with respect to applications to judges at chambers, that it was thought better to confine the application to the court. He had not brought in the bill without consulting with others of great legal knowledge, who entirely approved of its provisions. If it was asked, why not extend the provisions to larger sums? He answered, that this was an expedient which, if it was found to be beneficial, might afterwards be extended; but he could not consent, in the first instance, to run the risk of affecting public credit by extending provisions of this nature too far. He hoped that as it stood, it would, if carried into effect, afford some relief to persons imprisoned for small debts, without having any injurious effect upon commercial credit. The bill did not extend to Scotland or Ireland, as he did not wish to complicate the measure; but the provisions might be afterwards extended.—The bill was read a first time.

HOUSE OF COMMONS.

Monday, May 2.

[LOCAL MILITIA BILL.] Lord *Castlereagh,* in rising to move the order of the day for the second reading of the Local Militia bill, thought it might be for the convenience of the house, and tend to save time, that he should take that opportunity of apprizing gentlemen of a few alterations which he meant to propose in the committee upon the bill. The alterations he had in view bore so directly and so much upon the general principle of the bill, that he was inclined to suppose they would, when explained, narrow considerably the limits of any discussion upon that head. The first alteration which he meant to propose, he adopted in consequence of its having been thought desirable that the measure under consideration should contain a proviso for the exemption from its operation of persons who had actually served in the militia, either personally or by substitute, or who had incurred any penalties in consequence of the militia acts. In framing his bill, he had followed the principle of the Training bill of the right hon. gent. opposite (Mr. Windham), which looked to personal service, and extended to all not actually serving in some other force. It was thought, however, desirable to allow persons of the description to which he had alluded, an immunity equivalent to that which they enjoyed under the militia laws, and for that purpose a certain number of years was fixed upon as the period of exemption, rather than an indefinite time.—The next point upon which he proposed an alteration was, to enable Volunteer corps that might be disposed to serve as local militia rather than as volunteers, to change the nature of their service: and on this head it was to be expressly provided, that no decision of a majority of any corps should bind those, either officers or men, who might be indisposed to the change of service, to serve in the local militia contrary to their own wish. The clause he had to propose, therefore, would provide for allowing the officers of such volunteer corps to hold commissions in the local militia, and enable his majesty to dispense with the qualifications in such officers required by the militia laws, and by this bill. It was also to provide for the transfer of the services of the privates of such corps from the volunteer force to the local militia.—Another clause he meant to propose, was to enable persons, whose circumstances might oblige them to transfer their residence from one county to another, to transfer also their services from the local militia of one county if they should be serving in it, to the local militia of the other. He had also a clause to propose, which would contain a provision for granting the same facilities of support to the families of persons in the local militia, whose labour was necessary for the support of their families, as were at present enjoyed by volunteers of the same description, when they went out on permanent duty. This would not bring any burthen upon the parishes, because, though, as in the case of volunteers, the charge would in the first instance be advanced by the parish, it was afterwards to be refunded by the receiver general of the county. He was not aware of any other point which it was necessary for him to state to the house, but one general regulation, which he had always in his contemplation, and of which he was sure the house would readily perceive the expediency, namely, to place these corps, when called out, under the superintendance of officers of the line. Every gentleman must instantly be aware of the important advantages, in point of practical and professional improvement, that must result from the adoption of such an arrangement. Having thus explained the nature of the alterations which he meant to introduce into the bill in the committee, he should now move the order of the day for the second reading of the bill.

Mr. *Whitbread* expressed his hope that in the committee the noble lord would introduce some clause to remedy the gross injustice suffered by those who were serving by substitute in the army of reserve, and had since been ballotted into the militia, and obliged to serve in person. There were several who had expended the fruits of all their earnings in providing a substitute in the army of reserve, at the expence of forty or fifty guineas, and who having afterwards been drawn for the militia, had not the means of procuring another substitute, and were consequently obliged to serve personally. These were comparatively few in number, but it was extremely desirable and just, that they should be allowed to withdraw from the militia. In his county persons of that description had not been subjected to the ballot, because it had been thought that it had never been intended by the legislature. He hoped therefore, that the noble lord would provide for this case of hardship in the committee, because a clause to that effect would come much better from him or his friends than from any other member.—The question being now put, that the bill be read a second time,

Sir *James Hall* said, there never was a period in the history of this country, wherein any man could have a better opportunity to immortalize his name than by the establishment of an efficient system of defence and security, menaced as we were by the combined hostilities of united Europe, urged on by the ambition and resentments of a too successful and implacable foe. He clearly saw that the object of the noble lord in the present bill was to repair that breach in the national strength, occasioned by a decay in the volunteering spirit of the people, by which he was compelled to the necessity of adopting the only means of organizing the whole physical strength of the country, namely, that of raising a force by ballot. It was very possible the bill might not be every thing which could be wished; but he approved of the principle; and if nothing better could be offered, he should give this bill his support. It was possible in the committee to make many amendments, and supply any defects which the bill in its present form might probably present.

Colonel *Shipley* could not let this bill pass, even in this stage, or in any other, without entering his decided protest against its objects. It was remarkable enough, that in these times, when changes of ministry were so frequent, that every successive change was the parent of a new military system. Whatever might have been the merit of other systems, he could see in this neither an accession of strength to the country, nor of advantage to the army. Its only object seemed to be an increase of influence to ministers, unnecessary and unmerited. Little, indeed, did it consider the dignity or the comfort of the soldiery! To the system produced last year, he had the pleasure to give his unqualified approbation. It gave no influence to government; it flung no disgrace on the military, but brought advantage to both, without compromising the dignity of either. To the author of that system (Mr. Windham) every tribute was due, and he hoped the army would ever hold in proper estimation their eloquent and decided advocate. His plan had given general satisfaction, and created lively hopes; and it was scandalous that motives of malignant jealousy should blast those hopes, without giving their object even a trial. He said, the expence attendant on the execution of this bill was one reason for his opposing it, and the oppression it encouraged was another. Added to this, he could see no one good effect which it would produce; nor could all the eloquence of the noble lord persuade him, that soldiers (miscalled such) could be fitted for essential service in 28 days. It was impossible even to drill tolerable recruits in that time. The scheme proposed was radically bad, because it employed compulsion to effect what could be effectual only when it was voluntary. The expence, too, he thought a great objection, as it was unattended by any advantage; it appeared, this Militia was to be armed at the expence of government; a permanent pay, and a permanent staff kept up, and all for no benefit. As if that was not enough too, the Volunteers were to have rewards given them for transferring themselves to the Militia, and were thus unnecessarily taken from a post in which they were of essential service. Little regard as it had to economy, it had still less to humanity. It went to drag the peasant from his home, from his farm, from the family who looked to him for support, and who were now left to perish unpitied, or procure a wretched subsistence gleaned from the scanty pittance of casual compassion. But the noble lord seemed to think that it would accelerate the recruiting for the regulars. What! did he suppose that system could benefit any particular part of a body, on the whole of which it cast degradation and contempt? Did he suppose that men could ever look on servility with a favourable eye? His general opinion of the bill he had now given pretty fully, but he could not sit down without remarking a few particularly obnoxious clauses. It was intended by the bill, that the same qualifications should be required for this part of the military as for the old militia; this he could not help considering as particularly absurd, because it was so notorious a defect in the present militia, that he would venture to say there were very few colonels of regiments who were not in want of some officers, owing to the deficiency of qualifications in those applying for commissions. If, then, a difficulty was found in supplying so comparatively small a number, how did the noble lord suppose so large a number could be officered under the same disadvantages? He deprecated severely the prohibition of substitutes. It was foolish to make people serve who were unwilling, when they could find men to serve voluntarily; and it was cruel to compel those to act with whose interests it might effectually interfere. Compulsion, however, was the principle of the bill, and compulsion was also the principle of ministers; violence was their prime and actuating principle; they supported commerce by throwing every impediment in its way; they exalted the army by conscription and by infamy; they raised England by depressing the spirit of her people; and conciliated Ireland by putting bigotry in office, and decking out intolerance in laurels! He was aware of the disadvantage under which any minister would labour now who presented a new military plan, and he certainly would not rise to throw any impediment in his way, if he thought it was about to originate any one advantage to the country. Whoever took a review of the two last years progress, would be amazed that two administrations so different, could govern the same nation; one administration endeavouring to conciliate, the other to coerce the country; one rising on the good wishes and approbation of the people, the other affecting to despise them. He said if he saw any one advantage likely to result to the nation from this bill, it should have met his support; but seeing the very opposite effect, he deprecated and condemned it.

Mr. *J. Smith* was happy to find that the only substantial objection that could be urged against the bill was removed by the amendments proposed by the noble lord this night. He had been always a decided friend to the volunteer system. He was sorry the volunteers were not engaged for the war, as they might have been at its commencement. It remained now to apply the best remedy to the error then committed; and this measure was the remedy most efficacious, as it would go directly to make up for the falling off that must take place in a pure volunteer force after the urgency of the immediate call for their service should have ceased to operate with its original influence. He denied that the bill could with propriety be called a conscription, or that there was any thing oppressive in the nature of the service required.

Mr. *Herbert* (of Kerry) saw nothing exceptionable in the bill, which he had read over with attention. The magnitude of the dangers with which the country was threatened required the exertion of all the powers of the empire for our defence; and this measure contained no more severity than the time required. The noble lord had made one material omission, which, however, might yet be remedied. The empire was indebted to the noble lord for the great measure of the Union; but that great measure was still imperfect, while there was not an unity of defensive force between the united kingdoms. It would be a measure worthy of the noble lord who had combated in the foremost ranks to effect the Union, to remedy that imperfection, and to render the great work complete. The hardship of the more distant removal from home would be reconciled by the urgency of the case, and would be but an addition to the alterations and improvements that had already been made on the original constitution of the militia. He was anxious that the bill should go to a committee, and hoped that the amendment he suggested would be made in that stage.

Sir *Francis Burdett* agreed that the noble lord was the fittest person to originate such a measure as that now before the house. But the hon. gent. who spoke last, did not seem aware of what that measure would subject the country to. In former times, when the army was so composed that it could not be kept in order without extreme severity, it might have been right to enact and to enforce that military code, the penalties of which were now the exclusive disgrace of the British army and the British nation. But at the present time, when so great an amelioration had taken place in the discipline and composition of our military force, it was no longer excusable to continue those penal enactments; and, certainly, he should pause before he would give his consent to commit the whole people of England to what was dishonourable, and pernicious to the army itself. He had no objection to a conscription, in the full force of the word. He could never consider it a hardship on a man to be called upon to defend his home and his country, or to qualify himself for that necessity. It was not on that ground, therefore, that he had any objection to this measure. But, before he could consent to subject the British people to any general call of this nature, he would call for an amendment in the military code. He could never allow the British people to be subject to a disgrace, for which Britons were particularly unfit, he meant the lash. He would never give his consent to have the British people lashed. It was in this part of the measure, however, that the fitness of the noble lord to be its proposer was particularly felt. Experience had shewn, that the noble lord was the fittest man in the world to submit a whole people to the lash. He allowed, for it was the opinion of the ablest military men, that the immense power of France, directed by the ablest and most experienced leader modern Europe had seen, was sufficient to impress the necessity of calling forth our whole physical strength to meet the threatened danger. If any fair and honourable mode of drawing forth this exertion had been made, he should have been ready to give it his support. But the measure now before the house, though perfect for every purpose of disgrace, was impotent in the view of strength. He was astonished that any man should presume to interfere in the government of this country, with so little experience, as to bring forward for the main defence of the nation, a measure so inconsistent with the constitution and genius of the people, and with every principle of common sense. The French government had now under its controul, nearly 100 millions of people. It had the command of all the ports of the continent, and might soon have fleets in various quarters, equal at least in number to ours. In these circumstances, this country could not rest its safety on any thing but an armed population. The British nation should be in a state to feel no alarm, even if it had not a ship on the sea. He was not dissatisfied that the people should be made an armed people. What he was anxious for was, that measures should issue from that house of a nature to inspire the people with enthusiasm, and to animate them to general exertion. He would not, however, give up the people to be flogged. He would not allow Britain to be a flogged nation. When individual soldiers voluntarily sold themselves into that situation, it was a sufficient shame to the country that permitted such an abuse; but he would not allow the people to be brought into that condition by compulsory enactment. The burthen of unmitigated personal service he left out of his consideration this night, because it was absorbed in the paramount importance of the other points. We had seen all the nations of Europe, with armies composed as ours were, fall before France. The greatest military powers of the continent, from relying on mere mercenary armies had been, as it were, trodden down and walked over by France, without resistance. He was aware that the constitution of this country placed every man at the disposal of the king, to be placed in the station in which he would be most wanted to resist the enemy in case of invasion. He objected not to this; but he wished, by the abolition of the disgraceful penalties attached to the condition of a British soldier, to make the situation such as a British freeman might, without impropriety, be placed in. The fatality with which neglects, such as were now to be complained of in this country, were attended to monarchs less consummately virtuous than ours, ought to teach us the duty of doing every thing incumbent on us to secure a life so precious. He therefore begged his majesty's ministers to be cautious how they proposed measures of general defence, clogged with obligations dishonourable to any nation, but particularly inconsistent with the characteristic and constitutional freedom of Britons. Unless this measure should be amended in the committee; and unless a general amendment should be made, by omitting the obnoxious penalties from the Mutiny act, he should be under the necessity of giving it his decided opposition in the latter stages. He lamented that every thing that was done by the British government, was calculated to give an idea that the nation was hastening to its fate. A short time ago, a great measure was brought forward for the general and permanent support of the army. That measure was scarcely allowed to commence its operation, when it was altered, and in substance repealed. There was nothing but vacillation in our councils. In the present administration, nothing was brought forward but measures of mere temporary convenience, and immediate practical policy, measures that stamped their authors as mere journeymen. There was nothing like those great principles by which alone nations could flourish, and from which no nation ever departed without involving its own ruin. Having entered his protest against the measure, on these most important points, he would reserve his further observations to a future stage of the bill.

Colonel *Wood* vindicated the military code of this country, which he pronounced to be the most lenient in Europe. It had been contended that the present plan was unpopular, and calculated to increase the influence of ministers: this he thought a contradiction in terms. He could not understand how a measure could give ministers influence, and be at the same time unpopular.

Mr. *Whitbread* could easily remove the difficulty which the hon. gentleman had, of conceiving how any thing that would give patronage could be unpopular. Measures of taxation, for instance, were extremely unpopular, yet no measures were attended with more extensive patronage in the appointment of collectors, &c.; and even that patronage was felt as one of the greatest hardships annexed to them. His hon. friend behind him (Mr. Herbert) had complimented the noble lord opposite on his gallantry in fighting in the foremost ranks for the Union, and conquering the opponents of that measure. His hon. friend ought, however, to have recollected, that one of the greatest conquerors of antiquity asserted, that he would take any town into which he could get room for an ass laden with gold to enter. That this was the sort of agency employed in the conquest for which his hon. friend gave the noble lord so much credit, he had the authority of the Irish chancellor of the exchequer for believing. It was strange that the noble lord, who was formerly foremost in defence of the Volunteers, and who for that purpose imputed expressions to his right hon. friend which he had never made use of, should now bring forward a measure which went to absorb them altogether. For if that was not the object of the present measure, he could not see what it was good for. The noble lord regarded the Volunteers as an ancient orator did a great but dangerous political character of his time: *laudandi, ornandi—tollendi.* The noble lord had praised and ornamented the Volunteers, and now he came to destroy them. The Training act, which the noble lord shewed he did not understand, in-as-much as he conceived it was to be executed by the constable, was evidently the original from which the noble lord derived this measure. The recruiting of the army would have been regularly and permanently provided for, if the noble lord had suffered the measure of his right hon. friend fairly to operate. But the noble lord would have a volunteering from the Militia, which had indeed been successful, as nobody doubted it would be, but had been attended with most oppressive consequences from the general operation of the ballot to supply the deficiency the volunteers had left after them. The multiplication of the ballot by the present measure would extend the hardship still farther. He would venture to say, that when it should come to be tried, the number of men required could not be found between the ages of 18 and 35. It would, besides, be attended with the most ruinous effect on the morals and industry of the young men, whom it was proposed principally to subject to the ballot, to take them away for 28 days from their homes, and to send them back depraved and corrupted, to communicate the baleful effects of their campaign around the neighbourhood. The expence of converting the Volunteers into Local Militia was enormous, and when compared with that of his right hon. friend's great measure which had been so much complained of, it would be found to be much more considerable. Still he wished the measure should go into a committee, in order that it might be corrected as much as possible by the noble lord and by others. With respect to the interchange of Militia, that was a measure too important to be implicated in any other. Would to God the Irish were not left under the necessity of coming to England to learn what would attach them to the British constitution and connection! Would to God the government of the day were sensible of the justice and wisdom of attaching and inspiring the Irish nation by conciliatory measures! Then there would be no occasion for such an interchange. He wished to avoid, on this occasion, the discussion of the severe punishments contained in our military code. He always believed the English were good and humane officers, and that they mitigated, by their moderation and lenity, the rigour of the law. Such he knew was the impression of the men, both by sea and land; they always preferred being tried by their officers, to being tried by their comrades.

Mr. *Wilberforce* began with lamenting that the country did not seem awake to the perils by which it was surrounded. Neither in nor out of parliament could he find that there was a sense adequate to the greatness of the dangers which impended over us. We had, it was true, seen these dangers increasing for a long time; we had been accustomed to consider them so much, and they became, in some measure, so familiar to us, that, seeing they were never realized, we were too apt to treat them with a contempt they did not deserve. Some years ago, there was a stronger disposition in the country than at present, to adopt measures necessary for its safety, and yet the power of France was nothing then compared with what it was at this moment. He could in no way explain this phenomenon, except upon that principle of confidence arising from the presumed extinction of the naval power of France. Sheltered behind our wooden walls, as they were called, we seemed to deride the dangers by which we were threatened. But this was a security, upon which implicit reliance was not to be placed. The most experienced military characters allowed that it was possible for the enemy to land a large force, in more parts than one of the country. To oppose any attempt of this kind, we should always have such a military force on foot, as would preclude the enemy from the possibility of success. We should possess such a species of internal force as might operate as a discouragement to descent, and make success, humanly speaking, impossible. When nations endeavoured to overthrow each other, their chief instruments were regular armies, but on such occasions the power assailed had a very great advantage over the assailant. The former, in addition to its regular force, might avail itself of its population, in the same manner as, in a siege, the commander would sometimes call the inhabitants to his assistance in the defence of the place. Considering the strength and acrimony of the enemy with whom we had to contend, we should neglect nothing which might conduce to our security. The whole population of the country should, as far as possible, be trained to the use of arms; and here it might be said, the plan of his noble friend did not come up to his ideas. He regretted that it did not. The principle and foundation of the measure was good, but it was not sufficiently spacious or comprehensive. It was desirable that a great part of the population should be put into such a degree of training, as would qualify it to be incorporated with the regular army in case of exigency, and that we should have at the same time a great regimented force. This, as well as he understood it, was the principle of his noble friend's plan, which, he was sorry to find, it was not his intention to carry to the extent which he himself thought necessary. Perhaps, however, when it should come to be farther developed, it might be made to come nearer to the system he had taken the liberty of recommending. He could not help regretting that his noble friend did not feel himself warranted to call upon the people to come forward in their own defence; to remind them of the victories and triumphs of their ancestors; to represent to them the imminent and hourly increasing dangers with which they were threatened; and, by a vigorous appeal to their patriotism and their spirit, to rouse them to rush forward to defend and uphold the liberties, the honour, the interest, and the security of the country. The plan, however, as far as it went, met his entire approbation. He also approved highly of the plan of defence proposed by another noble lord (the earl of Selkirk), and wished it was carried into effect. The volunteers were not interfered with by the present measure, which went only to provide a supply in the event of their falling off. Every one who had considered the subject allowed the difficulty of keeping up a great standing army in time of peace. It therefore became necessary to have a large subsidiary force, which might, if necessary, be easily transferred to the regulars. A varied force was fittest for this country, all the branches of which would act with common emulation. He trusted parliament would provide a defence adequate to the exigency; and that long contemplation of the danger would not cause it to be undervalued. The enemy had no longer powerful nations to dread; the loss of an army was less material to him, and he was less exposed to revolt at home. These were all additional temptations to undertake the enterprise against us. But our great, free population, if government and parliament would avail themselves of them, afforded ample means to render attack hopeless, and peace secure.

Mr. *Windham* vindicated himself and his friends from the imputation of under-rating the danger of invasion. He could, however, remember a period of danger, the year 1798, when the hon. gent. who brought the charge (Mr. Wilberforce) had been mainly instrumental in forcing on the minister at that time (Mr. Pitt) a measure which put the government of this country in a course entirely new, and to which the disasters that had befallen Europe, were in a great degree to be attributed. This he said to vindicate the memory of that great man from at least one of the errors that in many instances were groundlessly charged upon him. At present the danger seemed to be so far thought of, that something was to be done to meet it; but it seemed to be thought matter of indifference what that something should be. His objection to the present measure was not that it went to do too much, or that it was too burthensome, but that it was in its nature inefficient. He wished to strip the measure of its feathers, and to shew it in its natural size. The proposed measure would be attended with vast expence, with a general disturbance of the occupations of private life, patronage without end, and a great contamination of public morals. The measure was bulky, but he wished to ascertain its substantial size. What would all the tinsel burn for? what weight of solid gold did it contain? We were told of 500,000 men in arms; but we had both the men and the arms before. The enrolling, too, was provided for by the Training act, to the amount of 200,000 men, or more if necessary. The training was to have been for 24 days, now it was to be for 28, and the men were to be incorporated into companies, regiments, or battalions. This last, in fact, was the only point in which the noble lord's splendid measure differed from its barren predecessor. This was a loss instead of a gain; but even if it was a gain, it would be too dearly purchased at the expence of all the money, vexation, corruption, and patronage, that would attend it. The noble lord seemed to think that by putting military clothes on men, he could make them soldiers, and that upon getting the regimental tailors to put on red, white, and blue facings, he could establish an army at pleasure. This was, however, a false idea; it was notorious that it was by regular troops opposed to irregular, that France had conquered and Europe had been subdued. He asserted from the best authority, that the men thus trained could not without the danger of certain defeat be brought to act with regiments of the line in the day of battle. He proposed that the men, when trained, should be used as a great reserve, to be brought gradually into the line to repair the losses that might arise. It was not merely to supply the incidental falling off of the Volunteers that the present bill was brought forward. There was a circular letter to stop the increase of the Volunteers. The idea of binding the volunteers to compulsory service was too ridiculous to be heard with patience. He had, on a former occasion, recommended to the militia and volunteers, a Spanish proverb which says, 'defend me from my friends, and I will defend myself against my enemies.' It turned out in fact, that both Volunteers and Militia suffered more from their friends opposite, than from him who was called their enemy. He proposed that the Volunteers coming forward after a certain time, should serve without pay; and he believed, that was the object of the noble lord's proposition on this head now. The noble lord thought he did a great deal when he made a great bustle. Or rather, he wished to appear to do something, and for that purpose set about undoing what was already done. His plan had been to increase the army by rendering the condition of the soldier attractive to the respectable population. The noble lord proceeded, not by raising the situation of the soldier to the condition of the people, but by debasing the people to the level of the soldier. He contended, that besides the bad effects of 28 days licence, under officers having no controul, many persons who had nobody to attend to their daily business in their absence would be ruined. On a former occasion he recommended a general fine; for the liberty of getting substitutes had before raised the bounty to an enormous height. It was an oppressive feature of the present bill, that it prevented the alleviation of the burthen that might fall on the individual, by insurance. If the bill was allowed to operate in its present state, thousands must be crushed under it like grubs; and all this mischief was to be incurred to indulge the noble lord in an army of red coats and breeches. It was very absurd to accuse him and his friends of want of regard for the interest of the country, because they attempted to correct the faulty measures proposed by his majesty's ministers. He, on the contrary, thought the country was strengthened by pointing out and correcting these weaknesses. It was said, the Volunteers had no objection to be converted into Local Militia, if their officers were enrolled in their respective ranks. He objected much to this general enrolment without any regard to qualification. It was no recommendation to him that the magistrates approved of the bill, not even that the deputy lieutenants, or the lords lieutenant approved of it, considering who had the appointment of the lords lieutenant, and the recent appointment the noble secretary had made of a person connected with himself, and wholly unconnected with that county, to be lord lieutenant of the county of Norfolk. The number of officers, and clerks of division, and subdivision, which this measure would require, would extend the influence of government, or that of those upon whom government had influence, throughout the country. The mischief of this influence was, not only that it corrupted the public mind extensively, but also that it unsettled it still more. He appealed to all who had ever filled offices with patronage annexed to them, whether the effect of seeing a friend or a neighbour provided for by a place, was not to lead away many others from the slow advantages of industry, and to inspire them with a desire of the same easy provision. How extensively would this bill operate in this way, providing every where so many employments, at the disposal of those who were at the disposal of government. The noble lord never wished his stream to flow through a dry and sterile soil; he generally took care to direct it through lands flowing with ministerial milk and honey. When the noble lord travelled through the country, he liked to have comfortable stations on his right and on his left to bait at. He left the house and the country to consider whether the noble lord's dressed soldiers with their military coats and breeches, facings and feathers, and bands of music, had at such expence and with so much vexation, with the disturbance of the occupations and the injury of the morals of the people, with the unlimited patronage annexed, was to be preferred to his system of training, which without any derangement of industrious occupations and moral habits rendered the men equally effective. He would not take up more of the time of the house at present, but reserve himself for the future stages of the bill.

Lord *Castlereagh* replied shortly to the several objections made against the bill. He had been taxed, he said, with having borrowed a great part of the materials from the plan of the right hon. gent. (Mr. Windham), and he was free to own, that in some instances that might be the case. He was by no means ashamed of borrowing any idea from the right hon. gent., as he was extremely desirous to give the country every possible advantage which it could derive from the talents of the right hon.

gent. in military improvements, and as he was at the same time equally desirous to save the country from every possible expence, without recurring to the system of substitution. He was, therefore, not a little surprised, that the right hon. gent. should be so sore at his having adopted a favourite child of his own. He concurred with his hon. friend behind him (Mr. Wilberforce), that it was necessary the country should know the extent of the danger of the present moment, and the extreme necessity there was of guarding effectually against it; and for that purpose, that our present existing force should be of a permanent nature. It was evident, that the enemy was now possessed of such an extent of coast as required much more extensive and effectual measures to guard against his future attacks. He had formerly brought down his troops to Boulogne, and from thence alone had threatened us with an attack; but he was now possessed of the port of Flushing, and that was a point from which he might severely annoy us, and against which it behoved us to be particularly and adequately prepared. We had now not less than 200,000 effective men, rank and file, of regular force, taking together our Army and Militia: we could not add more than 50 or 60,000 men in the usual course, and how, then, were we to obtain such a number as would answer the purpose of acting with the regular army? He was convinced the mode proposed by the right hon. gent. of training men by the exercise of 24 days, was not likely to make them such soldiers as would be able to stand against the French troops whenever they might arrive in this country. He was, therefore, desirous to make the most advantageous provision that the nature of the case would admit of. If we could not have the best, we must take the next best; and if we could not have the required force out for the whole time that might be wished, we must take them for such a length of time as the circumstances of the country would allow. He could by no means see how this kind of force proposed to be raised by this bill was so inadequate as had been represented. It very nearly approximated to the force proposed to be raised by the General Training act of the right hon. gent., and the house could not but recollect there was a time when that right hon. gent. placed his trained force second only to the regular army. He had repeatedly entertained the house with the great effect which an armed peasantry must produce in the field by firing on the enemy from concealed places, in a country, the situation of which they were so much better acquainted with than the enemy could be; and he believed, if gentlemen would carefully examine this bill, and compare it with the General Training act of the hon. gent. they would find that the only material difference between them was as to the mere number of days of training. If the right hon. gent. would allow that the Volunteers had any merit at all, and if the Volunteers would consent to give their services for a certain time, and would agree to be trained not only in time of war but of peace, they could not fail to become a force of the most inestimable value to the country. These, and the Local Militia raised from the coast counties, would create a force of 330,000 men for England only, and taking in Ireland and Scotland, we should have an effective force of 400,000 men, in addition to the 200,000 regular and militia forces; and in order to procure this, he thought it adviseable to put the right hon. gent.'s plan in force, certainly not to the extravagant amount he had intended, but in certain proportions in every regiment, such as should answer the purpose on a smaller scale; and though he did not mean to say that this might not be extended at a future time, he thought every thing had been done at present which the nature of the service and the circumstances of the country required. The right hon. gent. had said a great deal about the patronage of the Bill: for his own part, he did not see it in that light at all; lean as he was, he was sure if he never fattened more than on the patronage of this Bill, he must remain the same slender figure he then was to the end of his days. A great cry had been set up against this bill, by comparing it to the measure of conscription; but there certainly was no ground for that comparison, and he had no doubt but the good sense of the people of this country would relieve them from all alarm on that head, when they seriously considered the bill. As to the observations of the hon. baronet (sir F. Burdett), he did not consider them as detracting much from the value of the proposed plan, and he hoped the good sense of the country would secure the people from giving in to the opinion of that hon. baronet, as to the degradation of the military service. He should reserve the further discussion till the bill was committed, when he hoped to be able to prove that the proposed force could be obtained on better terms than could have been expected under the plan of the right hon. gent. opposite.—The bill was then read a second time.

HOUSE OF COMMONS.

Wednesday, May 4.

[ANNUITIES TO SCOTCH JUDGES.] The lord Advocate of Scotland moved that the house should resolve itself into a committee to consider further of the propriety of providing for Judges retiring from the Bench in Scotland, in consequence of old age and infirmity.

Mr. *Abercromby* was unwilling, even in that early stage of the business, to let the present question pass without stating his objection to the principle. In the first place, there was no analogy whatever between those Judges and the Judges in England or Ireland, as the latter went circuit, and had, after discharging the business in their respective courts in the metropolis, to go through a weighty provincial duty; whereas, the former had not employment for two thirds of the year, and had no circuits to attend; the duties of the barons of the exchequer were not only very easy, and such as almost any man might perform, but also very light. He could not, under such circumstances, consent to any addition to the burthens of the people, so much burdened already, by compensation so unmerited and uncalled for.

The *Lord Advocate* of Scotland, though he admitted that the duties of the exchequer barons was not heavy, still thought that Scotland had a right to expect that the liberality of this country would not deny to a supreme court of judicature in Scotland what they had already given to their own. He thought too, that the less the barons had to do, the less temptation they would have to retire from such light duty, and that consequently the public money would be the less encroached upon.

Mr. *H. Martin* was anxious, that those who should have properly executed the laborious and important duty of administering justice should be liberally rewarded; and if the like laborious duties attached to the barons of the exchequer in Scotland as to those of England, there could be no reason why they should not have the same advantages of retirement. But the point was, that the judicial duties of the barons of the exchequer in Scotland were nothing; and their ministerial duties consisted merely in signing their names to the warrants sent from this country.

The *Solicitor-General* of Scotland supported the proposed provision generally. The paucity of the causes that were tried by the barons of the exchequer, was a proof of their beneficial arrangements in the collection of the revenue. The act of union, and subsequent acts, guaranteed and sanctioned that court; why, then, should it be excluded from the benefit of the general arrangement, the principle of which was universally approved of. Why should this exclusion be made at a time when, from the increase of the revenue, the business of the court of exchequer was every day extending, and when the court of exchequer passed all the public accounts of Scotland, even to those of the militia?

Mr. *Whitbread* allowed there was no principle better than that of rewarding meritorious public servants, and particularly those concerned in the administration of justice. But a balance should always be held, in order that the public should pay neither too much nor too little. He thought it would be best in this case to await the returns, which by shewing the service done by the court of Exchequer in Scotland, would best direct the house, as to the proper extent of recompense. If this should not be done, he must oppose the provision, so far as regarded the barons of the Scotch Exchequer.

Mr. *Rose* thought it would have an injurious effect on the characters of the present barons of the Exchequer of Scotland, and that it would prevent persons of respectable professional character from coming into that court in future, if an invidious exclusion should be made in the arrangement of the general provision. The extensive nature of their general functions, and their able external administration of the revenue, compensated for the paucity of the causes tried by them, of which paucity, the ability of their external administration of the revenue was, in fact, the cause.

Mr. *Macdonald* contended, that it was not unfair to apportion public remuneration to the amount of public service, and for that purpose, to examine the particular nature and extent of the service was not invidious. It was proper to pause and inquire, before those who did much service and those who did little, were lumped in one general provision.

Mr. *R. Dundas* enlarged on the extensive duties performed by the Barons of the

Exchequer, and the injustice, impolicy, and impropriety, of singling them out for exclusion from a general provision.

Sir *F. Burdett* thought it impossible for the house, after what had passed, not to hesitate before it granted pensions to persons in the situation of the Barons of Exchequer in Scotland, who, it appeared, were not men who had quitted great professional practice and emolument to become Judges, but were, generally speaking, men to whom it would, from their former habits of life, be an object, on account even of the emolument, to be appointed to such an office. But still, he could not agree with the doctrine that it was expedient that Judges should be allowed to retire on their salaries, or rather with pensions, after a certain number of years service. Why was not a Judge sufficiently recompenced for the discharge of his judicial functions at the time he performed them? If he was not so, he wished to know why that was not the case, and why adequate provisions against the ordinary chances of declining years or health were not made in their annual salary? He could easily see how, from the adoption of a contrary practice, abuses might creep in. If, at one time, a good ground for granting a pension of this kind chanced to occur, that would, on every future occasion, be esteemed sufficient, even where there was no propriety whatever in the grant. He often heard gentlemen on the ministerial side of the house call upon those on the side on which he sat for parliamentary grounds, for any proposition submitted by them. He did not see that there was any such ground for the proposed measure, and he should not do his duty if he did not oppose it. He protested against the idea of liberality, when such liberality was to be shewn by grants out of other people's pockets.

The Chancellor of the Exchequer supported the motion for going into a committee, and Dr. Laurence opposed it; when the house divided,

Ayes 68; Noes 25. Majority 43.

The house having accordingly gone into the committee,

The *Lord Advocate* moved, "That his majesty be enabled to grant, out of such of the duties and revenues in Scotland as are chargeable with the fees, salaries, and other charges allowed for keeping up the Courts of Session, Justiciary, and Exchequer, unto any person who shall have held the office of Lord President of the Court of Session, the Lord Justice Clerk, the Chief Baron of the Court of Exchequer, or one of the Judges or Lords of Session, or Judge or Lord Commissioner of Justiciary, or Baron of the said Court of Exchequer, an annuity or yearly sum of money not exceeding three-fourth parts of the salary appertaining to each such office, on the resignation of such offices respectively."

Mr. *Bankes* objected that the crown had already a sufficiency of funds in its hands for carrying into execution the measure now proposed. He thought it would have the effect of liberating too great a fund of patronage to the crown, independant of the pensions which already existed. Perhaps it was not generally known, that in Scotland, during his present majesty's reign, the pension-list had been increased eight-fold. There was no limit to it as there was to the pension-list in England. It was, indeed, unlimited, and was only bounded by the surplus revenue. He was, therefore, of opinion, that the house should stop till it saw whether this additional power was required to be granted to the crown. As to the barons of exchequer, they seemed to him to be rather a board of revenue than of justice, and for the remuneration of revenue officers, there were unquestionably already sufficient funds in the hands of the crown. The honourable member stated afterwards the amount of pensions in Scotland to be at present upwards of 40,000*l.* whereas, at the commencement of his majesty's reign, they did not exceed 5000*l.*—After a pretty long discussion, in which the Chancellor of the Exchequer, Mr. Dundas, the Lord Advocate, and Solicitor General for Scotland, supported the motion; and Dr. Laurence, Mr. W. Smith, Mr. Whitbread, Mr. Windham, &c. opposed it; the committee divided: Ayes 80; Noes 31. Majority 49.

HOUSE OF COMMONS.

Thursday, May 5.

[ASSESSED TAXES BILL.] Mr. Huskisson moved, that the order of the day be read, for taking into further consideration the report of this bill.

Mr. *Biddulph* opposed the motion, as his objection to the bill was radical, and was not confined to any of its provisions. He understood that the sum to be produced by it, and to accrue to the Consolidated Fund, in consequence, was about 100,000*l.* It was well known, both from the Report of a former Committee of Finance, and from other documents, that from the demised hereditary revenues of the crown, a sum equal to this might be, and ought to be drawn, to accrue to the Consolidated Fund. The hon. gent. enlarged upon this subject, contending that he did not wish to unsettle these hereditary revenues, but merely that they should be adjusted; in which case, he repeated, a sum might be obtained, equivalent to the deficiency which the rejection of the bill before the house would occasion.

Mr. *Rose* shewed, that if those Revenues had been applied as wished for by the hon. gent. a deficiency must then be occasioned in the Civil List, which it would become necessary for parliament to make good. In the amount also, the hon. gent. must be very much mistaken. So far from amounting to 100,000*l.* he should be much surprised to find the demised hereditary Revenues, to which the hon. gent. alluded, amounted to 50,000*l.*

Mr. *Huskisson* held in his hand the Accounts moved for by the hon. gent. by which it appeared, that since 1797, they amounted only to 30,014*l.*

Mr. *Biddulph* declared, that the Account which had been laid on the table of the house in consequence of his motion, was a very imperfect one, and complained of the difficulty which he experienced in obtaining satisfactory documents on this subject. —The house then divided on the question that the Speaker do leave the chair:

Ayes 51; Noes 21. Majority 30.

The house then went into a committee accordingly.

[MAYNOOTH COLLEGE.] Mr. Wharton brought up the report of the Committee of Supply, relative to the grant of 9,250*l.* for the Roman Catholic College of Maynooth: and on the question that the Resolution be agreed to,

Sir *J. Newport* contended that the reduction of the grant of last year was calculated to irritate the great body of the Catholics, and particularly to alienate the priests, whose influence had been so much talked of. The question now was, whether the priests should be educated or uneducated, for priests would be at all events found. The reason why the Roman Catholic nobility and gentry did not educate their sons for the priesthood was, because it afforded them neither prospects of honours or emolument. When he looked to the situation of the empire and of Europe, when he considered the exclusion of the Catholics from education on the continent by the revolution in Lisbon, when he looked to the recent promotion of individuals who had distinguished themselves by heaping obloquy on the Catholics, and who were fitter for other institutions than for the councils of his majesty, he did not think this a fit time for any reduction of the grant, and therefore he moved that the Report be re-committed.

Sir *A. Wellesley* stated in reply, that when he had asserted in a former debate, that the Catholics had originally proposed to support this institution, he had done so on the authority of their original memorial to government, a copy of which had been furnished him by Dr. Troy. This memorial was dated the 14th of Jan. 1794, and shewed that the object in the contemplation of the Catholics at that time was to be permitted to establish the institution with their own funds.

Colonel *Montagu Mathew* expressed his astonishment, that the hon. general who came forward as minister for Ireland, should be more ignorant of its situation than an humble individual like himself. He could tell that hon. member, that the private seminaries were only preparatory schools for the college of Maynooth. He had been within the last ten days at Maynooth, and he could assure the house, that unless the whole of last year's grant should be voted, the buildings upon which former grants had been expended, would fall. There was no lead on the roofs, and the rain penetrated through them. He declared himself to be a supporter of the Catholics, and having lived on terms of intimacy with the people of the South of Ireland for several years past, he could declare for them also. The hon. colonel then alluded to the offer made by order of Buonaparte, to induce Irish Students to go for education to France from Lisbon and Ireland, upon a promise of a restoration of all the Irish bourses, and read an extract from the answer of the Irish Catholic Bishops, stating their gratitude to the government for the liberal support of Maynooth, and denouncing suspension against any functionaries, and exclusion from preferment in Ireland against any students, who should accept the offers of the enemy of their country. Would any one say after that, that the Catholics were not to be confided in? If they were not to be trusted, why not dismiss them from the army and navy? Why allow them to vote at elections? Why had lord Westmoreland come down to the Irish parliament and said, that nothing was to be granted to them, and why had he in six weeks after said that they were the best subjects in the realm, and that they should get the elective franchise and other privileges?—Why had the duke of Portland, the present prime minister, said the same? But this was not the act of ministers. He was sorry to be obliged to allude to the conduct of any of the royal family. But, however, it was rumoured that even the ministers were disposed to agree to the grant, till they went to St. James's Palace, and were closeted for several hours with a royal duke, after which they resorted to the present reduction. That royal duke was the chancellor of the University of Dublin; he was chancellor of a Protestant School, and might wish to put down the education of the Catholics, but no man who knew or valued Ireland as he did himself, could countenance such a project. Unless they acted liberally by the Catholics, they would run the hazard of losing Ireland.

Mr. *C. Wynne* lamented the secret influence by which the measures of the government were defeated, and the interests of the country sacrificed. Even the cabinet could not be agreed upon this reduction. Neither the duke of Portland, lord Camden, a right hon. secretary, not then in his place, nor a noble lord high in his majesty's councils, who was also absent, could have concurred in this proceeding. If any one duty was more imperious than another upon that house, it was that of providing for the education of the great body of his majesty's subjects in Ireland.

The *Chancellor of the Exchequer* disclaimed the odious principle of intolerance. The memorial of the Catholics which led to the establishment at Maynooth, claimed no pecuniary aid. The Catholics promised to defray the whole expence themselves, and though the government and parliament gave them 8000*l.* in aid of the object, that was no reason that the country should be subject to constantly increasing demands, for a purpose of which there was no precedent in any age or country, that of educating at the public expence the priesthood of a religion differing widely from the established one. He thought it was as much as reasonably could be asked, to educate 250 persons at the public expence, who, with 111 educated in a private manner, were an abundant supply for the Catholic ministry. He took this opportunity to deny all knowledge of any interposition of a high personage to influence the conduct of his majesty's ministers upon this question, and declared on the faith and honour of a man, his firm belief that no such influence had been exercised in any quarter.

Lord *H. Petty* was not surprised that the right hon. gent. was so indignant at the imputation of secret influence, when it was so well known that the present administration was formed on principles particularly repugnant to that sort of influence! The proceedings with respect to a late measure (the Reversion bill) were fully illustrative of this point. The absence of the right hon. gent.'s colleagues on the present occasion, was probably owing to a sort of compromise which did not yield obedience to such influence, nor yet decidedly resist its interposition. The money which was the subject of the present debate, was in amount little to give, but was every thing to refuse. It was not a fourth part of what within the last 24 hours had been voted for a more ample provision for the Scotch judges, a provision very proper where service had been done to give a claim to it, but in his opinion, not so proper where there had been no service. The principle of the education of the Catholic clergy had received the countenance of the nominal head of the present administration, who, if he preserved a shred of any principle, was bound to support it now. It had also received the countenance of lord Westmoreland and lord Camden, both members of the present cabinet, when in the situation of lords lieutenant of Ireland. It had been sanctioned by the revered lord Cornwallis, the respected lord Hardwicke, and the late chief governor of Ireland.

Mr. *Wilberforce* considered the present as a subject of considerable delicacy, and the difficulties arising out of the subject itself were not a little aggravated by the manner in which it had been discussed, and which tended to produce irritation rather than conciliation. He should have expected something better from the patriotism of the noble lord, and of those with whom he acted, and it was not without very great pain that he had heard the mode of argument to which they had this evening resorted. Toleration, he said, as explained both by Mr. Locke and Rousseau, was to leave to others the right of professing and teaching their own religious principles in their own way, as far as was compatible with the peace and security of society.

This degree of toleration was denied to Ireland some years ago, but it was now extended to that country; and as far as an establishment was supported at the public expence, for the purpose of instructing a particular class, differing in sentiment from the established religion of the country, we went beyond the bounds of toleration, and instead of acting upon the principles of bigotry and intolerance, we exercised a degree of liberality unknown in any other country. When he recollected the history of past times, it was impossible for him not to be jealous of the Roman-catholic religion. We could not judge of the nature and tendency of this religion from its influence on certain individuals of high rank, whose minds were liberalized by intercourse with the most refined classes of society. The only way to judge of it was, to see its effects upon the great bulk of the people. No man was a greater enemy to persecution, or a greater friend to toleration, than he was; but he hoped to be forgiven for entertaining some solicitude that the protestant religion should at least have fair play.

Lord *Milton* doubted his hon. colleague's practical regard for toleration, when he recollected his opposition to a bill to enable dissenters to hold commissions in his majesty's service. He was as warm a friend to the protestant religion as his hon. colleague; but it was because he was a friend to protestantism that he wished to enlighten the catholics; for this was the most likely means of gaining them over to the protestant faith.

Mr. *Laing* contended, that the present was not a question of toleration or of bigotry, but of pure legislation. It was only by conferring benefits upon the Roman-catholics that their affections could be gained, and that they could be rendered good and loyal subjects. In this view he considered it as highly impolitic to sacrifice so important an object for a consideration so extremely inconsiderable as 3,000*l.*

Mr. *Herbert* (of Kerry) was of opinion that, in the present circumstances, curtailing the former grant to the Irish catholic seminary was one of the most impolitic measures that could be devised.

Lord *Porchester* supported the grant of the larger sum.

Mr. *Ponsonby* did not wish to take up the time of the house; but, at the same time, it was impossible not to notice what had fallen from the chancellor of the exchequer. No person was indeed better entitled than that right hon. gent. to deprecate the raising of cries on any subject! But, were these cries about religion; such could never come from him! He was above them! He would be the very last person to tell us that the Church of England was in danger! He was undoubtedly above all tricks and artifices of this kind, and the house ought to follow his advice, in adopting a similarly dignified and becoming line of conduct. When out of power, he had set them a brilliant example of resignation, and of a desire to promote unanimity and good order. The house had additional encouragement to unanimity and christian love coming from another hon. gent. (Mr. Wilberforce), who was himself clothed and wrapped up in a cloak of religion and good will towards all mankind, except towards gentlemen on the side of the house to which he (Mr. P.) unfortunately belonged. According to that hon. gent.'s estimation, ministers were all wisdom and all excellence; but the opposition was distinguished by nothing but faction and discontent. That hon. gent. would have the house go and instil into the minds of the people of Ireland the liberality, bounty, and tolerance of ministers, whether they believed in them or not. The tolerance of the chancellor of the exchequer seemed to go the length of 9000*l.*; but whenever 13,000*l.* was talked of, the establishment would step in.

Mr. *Stephens* adverted to one or two of the general objections which Protestants have to the Catholic faith; but only so far as was necessary to repel some harsh attacks of the opposition speakers, and support his declared opinion that we could not, as members of a Protestant communion, consistently or conscientiously educate clergymen for the Catholic Church, a ground on which he would have opposed that particular mode of assisting the Catholics of Ireland, if the question of founding the Maynooth College were then before the house, and on the same principle felt himself bound to oppose the further, and as he conceived, needless extension of that establishment. He was sure that the feelings of sincere and pious Papists would revolt at the idea of educating, at their own charge, clergymen for the Church of England, to propagate what they deemed heretical doctrines; and sincere Protestants, who regarded the distinguishing tenets and rites of the church of Rome as corruptions of Christianity, were bound on the same principle, not to be directly instrumental in teaching what, in a religious view, they deemed to be dangerous errors, by educating men for the Catholic priesthood.—At the same time that the hon. member avowed his sense of the importance of those distinctions which separate the two churches, and expressed his surprise that any gentleman in that house should treat them as matters of indifference, he strongly reprobated every degree of intolerance in religion, and disclaimed not only the vile principle of persecution, but the illiberality of disliking, or forming harsh judgments of men, on account of their errors in faith. For his part, he respected and regarded a man of whatever denomination of Christians, when he found him sincere and in earnest in the religion which he professed.—Towards the Catholics of Ireland in particular he declared that he felt nothing but good will, and a disposition to conciliate their affections to their protestant fellow subjects by all practicable means. As to the general education of their laity, if not already in a sufficient degree provided for by the state, he thought it an object that we were particularly bound to promote. He intimated even, that the giving a maintenance to their clergy would not in his judgment be liable to the same objections, or by no means in an equal degree, that he felt as a Protestant to the proposition now before the house.—He added, that in his sincere opinion, pious Catholics must rather feel unfavourable sentiments towards us, than gratitude or attachment, on the score of this very objectionable mode of assistance; and that it was calculated rather to injure, than serve the Protestant cause in Ireland; for it would be an argument, not easily to be answered, against our sincerity in our religious tenets, and against all those civil distinctions which had occasioned discontent, and of which the Catholics of Ireland, till lately, had too much reason to complain, that Protestants thought the differences between the two Churches so immaterial as to train up clergymen, at their own expence, to teach the Roman faith.

Mr. *Grattan* was sorry to see gentlemen enter so largely into an attack on the religion of one-fifth of the subjects of these kingdoms. He believed they spoke in the sincerity of their hearts, and from the purest motives; but these would produce consequences deadly to the interests of this country, and advantageous to France. To discourage the education of the catholic clergy in Ireland, and thereby to drive them to the continent, in other words, to receive the precepts and charity of Buonaparte, was to throw them at his feet, and of course to teach them to detest England.

Dr. *Duigenan* read the oath of the catholic priests, in order to shew that they paid an obedience to the pope, which was inconsistent with the king's supremacy. The provisions for the education of the established clergy, fell short of those proposed to be granted for the priests at Maynooth. There were in the University of Dublin, 30 poor scholars, who got but a dinner once a day; and 72 scholars of the house that got a dinner once a day, and no lodgings. He described the catholics as bad subjects and hostile to the state.

Mr. *Barham* to order, objected to the use of such language in speaking of 4,000,000 of his majesty's subjects.

The *Speaker* declared, that the freedom of debate did not preclude such language.

Dr. *Duigenan* repeated his former sentiments. He declared, that if any one would move to withdraw the public aid altogether from Maynooth, he would second the motion.

Mr. *W. Smith* could not help congratulating the councils of his majesty, and the British empire, on the wisdom and liberality they were likely to acquire in the person of the learned gent. who had just sat down, and who, if report spoke correctly, was about to assume the title of 'right honourable.' If ever there was a mark of wisdom in the councils of any country, it was to be found in this latter circumstance, joined to the refusal of the higher grant now moved for. Ministers were now about to recommend to his majesty to take into his councils a gentleman, who told that house that four millions of his majesty's subjects were hostile to his government, and would, in case of emergency, be its bitterest enemies. He called on the hon. gent. (Mr. Wilberforce), to say where was now the liberality of which the government had to boast; and he appealed to him, whether the language of the gentleman alluded to, was not most vilifying and disgraceful?

Mr. *Barham* expressed his abhorrence of the language used by Dr. Duigenan, declaring that never words were uttered so dangerous, abominable, and false; or so likely to separate the kingdom and to deluge it in blood. Of the religion of the hon. gent. (Mr. Wilberforce) he had at times been inclined to think well, but if bigotry and protestantism had so much blinded him that he could not see that the catholics worshipped the same God with himself, his was not a religion in which he (Mr. B.) would either wish to live, or be content to die.

Mr. *Tierney* wished simply to ask the right hon. gent. opposite, whether the learned gentleman who had been alluded to was of the Privy Council of Ireland, or was about to be?

The *Chancellor of the Exchequer* did not believe the order to that effect had gone over.

Mr. *Tierney* was sure the right hon. gent. would not quibble with him on this point. It was nothing to say the order was not gone; did the right hon. gent. believe it would go?

Sir *A. Wellesley* had no hesitation to say, that the lord lieutenant had recommended that the learned gent. should be made a member of the privy council; and the reason of that recommendation was, that the learned gent.'s presence was absolutely necessary for the dispatch of the ecclesiastical affairs, which were so considerable a part of the business of the Privy Council.

The house then divided on the question, that the Resolution be read a second time. Ayes 106; Noes 82.—On the question that the Resolution be finally agreed to being put, Mr. Tierney moved, that it be postponed to a future day, in order that all the cabinet ministers might be present; the numbers upon this were, Ayes 82; Noes 112.—The other orders were postponed, and the house adjourned.

HOUSE OF COMMONS.

Friday, May 6.

[AFFAIRS OF THE EAST INDIA COMPANY.] Mr. *Creevey* rose, agreeably to notice, to move for certain papers to elucidate the real state of the Affairs of the East India Company. He said, he should shortly state his reasons for making the motions with which it was his intention to conclude. Last year a petition had been presented for leave to borrow two millions on bonds, and about a fortnight ago a petition was presented asking a loan of the public money to the extent of 1,200,000*l.* It was with the statement contained in that petition, of the ability of the Company to pay this loan, that he now rose to find fault. It contained a manifest deception; whether meant by the Company or not, it was not his intention to say. The house and the public, however, were entitled to be set right on this head. The petition stated, that there was a deficiency for the year of 2,400,000*l.*; although, in fact, as appeared from a paper laid on the table of the house, the deficiency was 3,000,000*l.* As an inducement to the country to grant this loan of 1,200,000*l.*, the petition stated that the Company would have a surplus, after paying all their debts, to the amount of 8,000,000*l.* Supposing this to be correct, it was only the home account which was alluded to, whereas the foreign also should have been taken into consideration; when, in fact, instead of a surplus, there would have been a deficit of 12,000,000*l.* When he said this, he said it as a member of the committee, and he spoke from a document laid before the committee. It was for the Company to explain why, in these circumstances, and with such a deficiency, they laid before that house a statement which went to show a surplus of 8 millions. The petition stated, that the Indian debt must fall upon the Indian territory. How far this was a doctrine which would be relished by the creditors of the Company abroad, to the amount of 32 millions, it was not for him to say. He should move in two ways: 1st, for the document which the Company had laid before the committee: and, 2dly, for the satisfaction of the Indian creditor and of the public, he should move for an account of the amount of all loans made by the company in India, and of the terms and conditions on which the same were made.—The petition also alledged the state of Europe, as one of the leading causes of the embarrassment in their affairs. To prove the fallacy of this, he should also move for a document to shew the nature of the Indian trade on the continent, from which it would be seen, that the Indian trade was becoming worse and worse year after year, long before any change in our relations on the continent had taken place. The hon. gent. knew there was no probability of the Committee making any report on this business, at the present advanced period of the session; and the Company, by their own statement, had forced him to bring forward the present motions. If he should be told, that he was a member of the committee, and that he should go to them and make them parties to the motion, his reason for not doing so was this; he made his charge against the directors.

Was he to go to the committee and to appeal to them; or to the two directors who were members of the committee, and whose votes he must expect on such a subject to be against him? He said, that the formation of that committee was radically bad. The question was, were the Company bankrupts? And these two directors were the persons who were to say so or not, and to advise the country whether or not it should make a loan to their own Company! Without imputing any thing to these hon. gentlemen, he must be allowed to say, that they were not the persons who should have been appointed members of such a committee. He said, moreover, that the hon. gent. opposite (Mr. Dundas), should not have been a member of the committee. His father had been the author of the system. He had committed himself year after year, as to prognostics and prophecies of its stability and greatness; and his son should not have been put on a committee which was to decide on the life or death of a Company, to the death of which he could not naturally be expected to be a willing witness. He said the same of the person (lord Castlereagh) who succeeded the noble lord alluded to; and there were others on the Committee, whom, without being understood as saying any thing invidious against them, he could not forbear also from referring to, as receiving pensions out of the East India Company's funds. Could any principle, he asked, be more absurd, than that they should be persons fixed on as a committee on such a subject? He said it was a great defect, that the honourable gentleman (Mr. Dundas) should have 7000*l.*, another person near him not quite so much, and that a third, who had been a judge in India, should have a pension from the Indian revenue, and yet be members of a committee to whom such matters were referred. Without imputing any personal motives to any of these gentlemen, he must think them unfit to judge on such a business; and so he thought it better to apply to parliament. He concluded by moving, That there be laid before the house an Account of the East India stock by computation, on the 1st of March, 1808.

Mr. *R. Dundas* declared, that in suggesting the persons who formed the committee on Indian affairs, he had nothing in view but to propose those who, from their knowledge of the subject, were most likely to give satisfactory information to the committee. He was sorry the hon. gent. had not objected to them at the time they were appointed. He confessed he did not see what progress could have been made in the inquiry without the assistance of the very persons alluded to. He was certain the hon. gent. would admit that no information in the power of the directors to procure had been withheld. The paper, however, which the hon. member first moved for, was one which must, in the course of a few days, come before the house, under the act of parliament. The committee was in the course of preparing a report, which would be submitted to the house along with every document necessary. There was no ground for supposing that the report would not be made, or that the house would be called on to grant any loan without having the requisite evidence before them in the first place. The motion was therefore premature, if not altogether unnecessary. He thought it was not perfectly candid of the hon. gent. to insinuate that any of the members of the committee would be induced from interested motives to make a report they would not otherwise have made. To shew that they were above all suspicion, he read the names of the committee, and concluded by moving the previous question.

Dr. *Laurence* vindicated the position of his hon. friend relative to the constitution of the committee, and contended, that without meaning any personality or disrespect to any individual of which it was composed, it was perfectly competent to him to state any legal disqualification for their serving on such a committee.

Sir *J. Anstruther* vindicated, at some length, the conduct of the committee; he said as to himself, the situation which he held did by no means incapacitate him from judging and deciding fairly any question concerning the solvency or insolvency of the East India Company: his situation did not depend upon them, and his income was solely derived from the India revenue.

Lord *Folkestone* was glad that his hon. friend had brought this question before the house, and should give his support to the motion.

Mr. *W. Smith* thought that his hon. friend had been harshly treated. Without meaning any personality, and disclaiming any intention of disrespect to any member of the committee, his hon. friend had alluded to the general unfitness, which arose from his immediate interest. But, certainly the imputation ought not to have been met by reading the list of the committee, but by enumerating the offices held by the members composing it.

Mr. *Wallace* considered that the papers wanted would necessarily come under consideration when the committee should have made its report, and therefore, that the motion was premature.

Mr. *Grant* defended the character of the committee for impartiality, and had no objection to the production of the accounts, because he was convinced that they would convey a very favourable impression of the state of the company's affairs. He deprecated, however, all discussion upon the subject before the committee made their report, not only as premature, but uncandid. As far as regarded his own conduct, he expressed a hope, that as a member of that committee, as well as in every other situation, his conduct would be guided by a principle of integrity and uprightness.

Mr. *Patteson* had seen no reason to complain of a disposition on the part of those connected with the Company, to withhold any information that was necessary to guide the inquiries and decision of the committee.

Mr. *Creevey* foretold that the East India Company would again apply next year to parliament for a loan, that the year after a similar application would be made, and that there was no probability of any loan that was granted ever being repaid. Upon this ground, he contended that it was highly expedient that the public should be made thoroughly acquainted with the real state of their affairs. He should not, however, press the question to a division, if the sense of the house appeared to be against him.—After some farther conversation, the motions were withdrawn, as was likewise the previous question.

HOUSE OF COMMONS.

Monday, May 9.

[CROWN LANDS.] Mr. *Rose*, in rising to move for certain papers relative to the hereditary revenue of the crown, stated his object to be the correction of a number of errors into which an hon. gent. who proposed to make this revenue the subject of a financial arrangement for the year (Mr. Biddulph) had fallen. That hon. gent. had stated, that the crown lands were let for only 50,000*l.* a year, whereas they would appear to produce much more. The hon. gent. had stated also, that the abuses mentioned in the reports of the old finance committee on the hereditary revenue, were never corrected. The fact was, that an act of parliament had been passed to rectify these abuses, in the very next session after the report, which act had been strictly carried into execution. But a number of pensions and other charges fell upon this revenue, which otherwise should be defrayed out of the Civil List, leaving only a balance of 1,900*l.* which was regularly paid into the exchequer. The right honourable gent. concluded with moving for an Account of the land revenue of the crown in England and Wales, with the pensions and other payments defrayed out of it, the sums appropriated to the improvement of woods and forests, and the sums paid into the exchequer.—Ordered.

[EXPEDITION TO THE DARDANELLES.] Colonel *Wood* moved, that there be laid before the house a copy of the Journal or Log-book of the Royal George, kept by captain Dunn, from the 19th to the 23rd of Feb. 1807, both days inclusive.

Mr. *R. Ward* was not aware of any official objection to the motion, but he thought it would be but fair to the gallant admiral with whose conduct the paper was connected, to allow him every opportunity of elucidating the circumstances as far as he was concerned.

Admiral *Harvey* thought that some satisfactory reason ought to have been assigned for the production of this paper. He complimented admiral Duckworth in high terms, and expressed a wish that it had fallen to his lot to pass the Dardanelles in the same circumstances with admiral Duckworth, as he certainly should have considered it as a feather in his cap as long as he lived. If the hon. gent. wished for information, he was surprized that he had not moved for a copy of the admiral's, and not of the captain's, Log-book.

Colonel *Wood* said, that it was notorious that the expedition to the Dardanelles had failed of its object, and as had been given out, from the state of the winds and currents. It was of importance, then, that that house should know what really was the state of the winds and currents at the time; which could only be done in a satisfactory way, by the production of one of the captain's log-books who was employed on the expedition. It was extremely desirable that the house should know whether the expedition failed from misconduct or from unavoidable causes;

and if it did fail from misconduct, whether the admiralty, lord Collingwood, or admiral Duckworth, was to blame.

Mr. *W. Taylor* said a few words in favour of the motion.

The *Chancellor of the Exchequer* was of opinion, that sufficient reasons had not been given for the production of the paper; at any rate, he did not see why the log-book of the Royal George should be particularly singled out; and if information was wanted, why all the log-books of the squadron were not called for.

Colonel *Wood* had no objection whatever to the production of the log-books of all the ships.

Mr. *Whitbread* professed to entertain the highest respect for the character of admiral Duckworth, but he did not consider the splendid achievements of that gallant officer as a bar to any investigation into the causes of the failure of the expedition to the Dardanelles. He should therefore vote for the production of the paper.

Sir *C. Pole* contended, that if it was meant to impute any blame to admiral Duckworth, either directly or indirectly, it would be but fair that he should have timely notice of such an intention. He likewise took this opportunity of observing, that, in his opinion, the question which stood for discussion on this evening, ought not to have been brought on in the absence of sir R. Strachan, or of some person qualified and authorized to defend his conduct, as far as it might be implicated in the question.

Mr. *Wellesley Pole* was also of opinion, that if there was an intention of imputing blame to admiral Duckworth, ample notice should be given, for the purpose of allowing the gallant admiral sufficient time to take measures for the vindication of his honour and character. As to what had fallen from the honourable admiral who spoke last, respecting sir Rd. Strachan, he must observe that it was not the intention of the hon. gent. who had given notice of a motion on this evening, to impute the least degree of blame to that gallant officer. He meant, as he understood his intention, to bring forward a charge in a manly way against the admiralty board; and certainly, in defending the conduct of that board, he should not throw the smallest censure upon the conduct of that excellent and meritorious officer.

Colonel *Wood* withdrew his motion for the present evening, with the intention of bringing it forward on this day se'nnight.

[ROCHFORT SQUADRON.] Mr. *Calcraft*, in rising to bring forward the motion of which he had given notice, began with professing, that nothing was more distant from his intention than to throw out the slightest reflection upon the conduct of sir Rd. Strachan, for whose character, both as a naval officer and a man, he entertained the highest veneration: and nothing which had fallen from the hon. baronet (sir C. Pole) went to impute to him any such intention. All that that hon. baronet had said, was, that the testimony of sir Rd. Strachan would be very material in guiding the decision of the house upon the question, which he was now bringing before it, and in this he perfectly agreed with him. For example, there was one paper that had been moved for, for the purpose of shewing the reasons which made it necessary for sir Rd. Strachan to quit his station before the port of Rochfort, prior to the sailing of the French squadron from that port in Jan. last. He understood that no such communication had been received at the admiralty, and therefore there remained a chasm in the evidence, which it would have been most desirable to supply by the evidence of the gallant admiral himself, could he have been called to give such evidence at the bar of the house. He had also good reason to believe, that sir Rd. Strachan had found it necessary to take water and provisions from the Ferrol squadron; but there was no evidence to this effect in the papers which were on the table of the house; and as the admiral was not present to be examined as to the truth of the fact, he should leave this circumstance out of the charge that he meant to bring forward. The charge, limited as it was, he did not bring forward upon trivial or light grounds. It was important that its merits should be fairly and fully investigated, both for the interests of the public service and for the honour of the admiralty. When the gentlemen belonging to this department of government talked of a squadron being victualled for two or three months, if they meant any thing at all, they must mean that the squadron was in a state capable of serving all the purposes to which it might be called. When a squadron was employed in a blockading service, it was necessary, not only that it should be in a condition to keep its station, but as its utmost vigilance did not at all times suffice to prevent the enemy's fleet from putting to sea, it ought also to be in a condition to follow the enemy wherever he went. The circumstance of lord Gardner, whose zeal and attention to the service merited every praise, having, so early as the 30th of Oct. detached the Conqueror from the Brest fleet, to relieve one of sir R. Strachan's squadron, was a confirmation of the principle he had now laid down. Had the Conqueror gained the Rochfort squadron, it would have relieved the Impetueux, which had been 4 months at sea; but the Conqueror never reached the blockading squadron, and lord Gardner's intention was so far frustrated. Notwithstanding this information, however, which the admiralty had received from lord Gardner, of the necessity, or at least of the propriety, of sending some relief to this squadron, so early as the 30th of Oct. (though it appeared that on the 11th of Nov. the squadron had 3 months provisions on board, and on the 11th of Dec. that it had two months provisions on board, a circumstance which did not at all weigh with lord Gardner against relieving it,) no respect whatever was paid to his intimation, and nothing was done by the admiralty till the 3d of Dec. when the Mediator was ordered out with provisions, which, however, did not reach sir R. Strachan's squadron till the 12th of Jan. On the 30th of Dec. the Superb and the Spencer were ordered to join sir R. Strachan; but the order, as far as regarded the latter, which had the measles on board, was countermanded, and the former did not reach the blockading squadron till the 12th of Jan. In the mean time, however, sir Richard was become so extremely impatient, that he deviated from the usual rule of the service; and instead of addressing his letters, as he had been in the habit of doing, to lord Gardner, wrote directly to the admiralty, to make his distress known to that board—a state of distress to which he could not have been reduced without the grossest negligence in that department of government. He was aware that it might be pleaded, that on account of the number of squadrons then at sea, it had been impossible for the admiralty to pay all that attention to the wants of each which it would have been desirable to do. But was not this a circumstance which ought to have entered into their calculation, before dispersing them in so many quarters, and on so many different services? Was it of no consequence, that the toils and fatigues which the Rochfort squadron had undergone in the course of a whole winter should be rendered of no use? Was it of no consequence that a French squadron should be permitted to escape under the most enterprising of their naval commanders? On the 4th of Jan. however, sir R. Strachan was reduced to the situation of having only 3 weeks provisions on board; and it was not till the 12th that supplies arrived, at a time when he had only 13 days provisions on board. Now, he would put it to the house, whether it was fitting, that any squadron should be allowed to be so much reduced in indispensable necessaries? If the Rochfort squadron had put to sea at that time, sir R. Strachan could not have gone in pursuit of them to any distance, even though he had been aware of the direction in which they had sailed. From the 12th to the 19th of Jan. the weather was so bad that the Mediator could not be cleared till the 19th; and the Rochfort squadron had been already seen at sea by the Phœnix on the 17th, sir R. Strachan being entirely ignorant of it for some days afterwards. It appeared from the papers, that sir Richard was in distress for provisions, particularly for water, so early as the 1st of Dec. and that he was even then complaining of a want of cables, sails, and anchors. From this the hon. gent. inferred, that his leaving Basque roads, the situation of all others the most favourable for keeping up the blockade of the port of Rochfort, was to be ascribed to the reduced state of the necessaries on board the squadron, and that he had stood out from Rochebonnes to see if he might chance to fall in with any of the victuallers that were sent out to him. As a further proof that this was his motive in leaving his station, immediately after clearing the Mediator, sir Richard writes, that he was using his utmost endeavours to regain his station.—Mr. Calcraft next stated the course which he meant to adopt. His intention was to move a number of Resolutions containing a recital of facts, which he meant to follow up with a Resolution of censure upon the conduct of the board of admiralty; reserving to himself however the power of withdrawing this last Resolution, should he find it to be the sense of the house, that the case was not clearly made out which he meant to prove. It was possible that the papers now on the table of the house, left the case in some measure defective; but he pledged himself to be able to make it out completely to the satisfaction of every candid and impartial man, if he were permitted to examine at the bar of the house some of the officers belonging to the squadron. The Resolutions which he meant to propose, he had communicated a week ago to the hon. secretary to the admiralty, as their tendency certainly was to bring a serious accusation against that department, and he always wished to do to others as he would wish to be done by. The hon. gent. concluded with moving the following Resolutions; which he said, if assented to by the house, he should then follow up by a motion of censure upon the board of admiralty. 1. "That it appears to this house, that on the 30th of Oct. 1807, admiral lord Gardner called the attention of the board of admiralty to the squadron off Rochfort, under the command of rear-admiral sir R. Strachan, by informing their lordships he had ordered the Conqueror, after refitting and replenishing at Cawsand bay, to relieve one of the ships on that station. 2. That on the 1st of Dec. 1807, the squadron off Rochfort, under the command of sir R. Strachan, consisted of the following ships: Cæsar, 80 guns, sailed from Plymouth 13th Oct.; Spartiate, 80 guns, sailed from Portsmouth 14th Sept.; Impetueux, 74 guns, sailed from Portsmouth 4th June; Donegal, 74 guns, sailed from Plymouth 6th Aug.; Edgar, 74 guns, sailed from Plymouth 5th July; Warrior, 74 guns, sailed from Plymouth 18th July; Renown, 74 guns, sailed from Plymouth 28th Sept. all victualled for 5 months; Indefatigable, 44 guns, sailed from Plymouth 18th Oct.; Emerald, 36 guns, sailed from Plymouth 7th Aug.; Phœnix, 36 guns, sailed from Plymouth 10th Sept.; Tribune, 36 guns, sailed from Plymouth 18th Oct. all victualled for 4 months; Foxhound, 18 guns, sailed from Plymouth 2d Sept. victualled for 3 months; Martial, 10 guns, sailed from Plymouth 18th Sept., victualled for two months; Rapid, 10 guns, sailed from Plymouth 25th Sept., victualled for two months. 3. That it appears to this house the Conqueror did not join the squadron cruizing off Rochfort, nor were any ships ordered to join lord Gardner, for the purpose of enabling his lordship to send relief to that squadron, before the 21st Dec. 1807. 4. That on the 11th Nov. 1807, the squadron off Rochfort had not more than 12 weeks provisions. That on the 23d Dec. it was further reduced, the bread averaging for the whole squadron only 36, and the wine and spirits 30 days; and that on the 4th of Jan., 1808, the squadron had only three weeks provisions, although the bread appears to have been reduced to two-thirds allowance from Dec. 21st 1807; and further, that it was not until the 12th of Jan., when the squadron was reduced to 13 days provisions, that any part of it was relieved by fresh ships, or supplied with any provisions, notwithstanding the earnest entreaties and repeated representations from admiral lord Gardner, rear-admiral sir R. Strachan, and admiral Young. 5. That on the 12th of Jan. 1808, the Superb and Mediator joined the squadron ten leagues south-west of the Rochebonnes, that the Lavinia joined on the 14th, and the Colossus on the 15th, and that it was the 19th of Jan. before the Mediator was cleared of her stores; and that the squadron was unable to regain its station, owing to the delay occasioned in the clearing the Mediator, the adverse winds, and rough weather; and that on the 17th of Jan., Sunday, the French squadron, from Rochfort, was seen at sea by the Phœnix, having, as it appears, escaped out of Rochfort during the time rear-admiral sir R. Strachan had been obliged to quit that station for the purpose of receiving provisions."—Upon the first Resolution being put from the chair,

Mr. *Wellesley Pole* rose and said, that as the hon. gent. had thought proper to move a series of Resolutions without at present following them up with any thing expressive of the object avowed, he should feel it his duty to move the previous question upon the first Resolution. He was, he confessed, not a little surprised to hear that object still avowed by the hon. gent., after his having perused the papers that had been laid upon the table of the house, because he thought that those papers must impress the mind of every candid man with a conviction of the zeal, vigilance, and activity, of the present board of admiralty. The hon. gent. had brought two most serious charges against the board; one was, that the board paid no attention whatever to the repeated and earnest requisitions of the several commanders of the blockading squadrons, complaining of want of provisions, and requiring relief and supply. The other was, that sir R. Strachan had been compelled to abandon his station off Rochfort, in consequence of want of provisions. Here he would observe, that the rendezvous appointed by the admiralty for sir R. Strachan's squadron in case of their being dispersed by bad weather, was off the Chasseron light-house. He was from the station but from the 16th to the 19th Dec. That might surprise the hon. gent.; but he had too much patriotism not to be glad, in case he was satisfied that the admiralty had done their duty. The hon. gent. had asked, why sir Richard was not able to pursue the enemy? It would appear from a letter he should read to the house, that the weather, and not the want of victuals, was the true and only cause that prevented the pursuit. The house would judge from the letter which he should now read to them, that so far from—

Mr. *Tierney* spoke to order. He observed that all the papers moved for by his hon. friend, and all the papers moved for in justification of their conduct by the gentlemen opposite, were on the table. He conceived it would be productive of great inconvenience were the practice to be continued of allowing a member to draw from his pocket a paper, not regularly before the house, and to read from it such portions as he might think conducive to his object.

The *Speaker* said, that certainly much had lately passed upon this subject in the house. He did not however feel authorized to state that any precise or positive rule of order existed, with regard to it. It appeared to him to rest wholly with the discretion of the house, who would of course pronounce their judgment according to the circumstances of the case.

Mr. *Ponsonby* thought that if the house had never adopted a rule to prevent this practice, they ought to do so. Nothing could be more injurious to debate, or more replete with absurdity, for what would be the consequence if—

The *Chancellor of the Exchequer* spoke to order, observing, that it was one thing to state what the order of the house at present was, and another to consider what it would be expedient to make it.

Mr. *Ponsonby* said, that if the hon. gent. persisted in reading a document not formally before the house, he should move an adjournment of the debate.

Mr. *Wellesley Pole* then said, that he should be sorry to persist in any thing unpleasant to the house, and should not press doing what might be offensive to the gentlemen opposite. He would therefore not read the letter, but content himself with stating the substance of that letter, and let the house give it whatever credit it thought due to his character. He would then take upon himself to assert, that sir R. Strachan, after leaving the bay, passed the Ferrol and Lisbon squadrons, without applying for provisions of any kind, or doing more than exchanging the usual signals by telegraph; and that he passed in the same way Gibraltar. This much he would state, and he pledged his character to the truth of the statement. On the 30th of Oct. lord Gardner wrote to the admiralty acquainting them that the Conqueror had joined him off Ushant, and that he had ordered her to proceed to Cawsand bay to refit, and then proceed and relieve one of the ships off Rochfort; and he wished it to be remembered that this ship was then ordered to convey as much provision and as many live bullocks as she conveniently could; this ship arrived, agreeably to lord Gardner's orders, on the 1st of Nov.; and the 15th of the same month it was ordered to repair to the ships employed in the service of conveying the royal family from Lisbon to the Brazils; and to the squadron under sir Sidney Smith, four sail of the line were then detached. Here he observed that some of the ships had been five months at sea before they had reached the squadrons they were destined to relieve. He referred first to an order from the admiralty to the victualling board, requiring them to send out provisions of potatoes, onions, and live bullocks, for the several squadrons off L'Orient, Rochfort, and Ferrol; the potatoes, three pounds per man a week for two months, the onions, half a pound a man per week, and as many live bullocks as she could conveniently stow: also to a letter from Mr. Barrow to lord Gardner, acquainting his lordship with those directions, and both dated 3d Dec. 1807. He next referred to other papers to shew the actual state of sir R. Strachan's squadron on the 1st of Dec. On the 3d Dec. the order was issued for forwarding the supplies by the Mediator, but no requisition was received at the admiralty till the 18th of Dec.; and yet provisionary orders had been issued on the 3d of the same month. That letter was written on the 11th by lord Gardner, and did certainly state that there were not more than eight weeks provisions on board; on the 21st, another letter came from lord Gardner, covering another from sir R. Strachan, of the 1st Dec.; and two days after, the 23d, the Mediator went into Portsmouth, and though then ready to sail, was not able to do so till the 6th of January, merely because the present board had not ingenuity enough to controul the winds and the weather! On the 21st, an order was issued for the sailing of the Superb and Spencer. But it had been objected, why were not those ships sent direct to sir Richard, without being first sent to lord Gardner? The objection he was surprised at, because it betrayed such ignorance of the general routine, which was, that all blockading squadrons are subject to the controul of the commander of the Channel fleet. He next referred to a letter dated the 20th Dec., and received at the admiralty the 22d, from admiral Young, beginning, "As a very considerable supply of provisions has been sent to the ships off Ferrol, and the Audacious will sail on Tuesday for that squadron with six months provisions, I submit to their lordships whether it may not be advisable to allow the provisions carried out by the Mediator to be divided between the squadrons off L'Orient and Rochfort," &c. He next adverted to lord Gardner's letter, transmitting the state of sir Richard Strachan's squadron, the bread being at two-thirds allowance on the 21st Dec. and then reminded the house of adm. Young's letter of the following day, recommending a division of the provisions. The relief was ready to sail eight or nine days before, but prevented by bad weather; and as soon as the weather permitted, the Spencer, Superb, and Cumberland, were sent directly to sir R. Strachan. He here took occasion to pay a high tribute to the professional merits of admiral Young, as the best port admiral in the navy. On the 31st Dec. the Colossus was ordered to join; and there would be found the letter of admiral Young, requiring the two transports sent into Catwater, to be forthwith laden with two months provisions for 4,500 men, for the immediate relief of the Rochfort squadron.—He then entered upon the second division of the subject: the other serious charge was, that sir Richard had been compelled to abandon his station in consequence of want of provisions. He shewed what had been the state of the weather from the 21st of Dec. till the 6th of Jan.; that it was so tempestuous as to prevent the relief going out, and that this and this only was what compelled sir R. Strachan to abandon his station. He was anxious, in proof of this, to call the attention of the house to sir Richard's letter, dated the 21st Dec. and not received till the 30th. "We have been driven off, and have only just got hold of the land. Nothing material has occurred. We have had very tempestuous weather." He then cited sir Richard's next letter of the 25th Dec. mentioning the reduced state of the provisions, and stating, that "the weather has been such, we have not been able to apportion the remains of provisions to each ship." He next cited an extract from sir Richard's letter to lord Gardner, dated the 28th Dec. off Rochebonnes, in which he says, "I inclose the state of the squadron on the 23d, since which, the weather has prevented much communication." On the 4th of January, sir Richard, when stationed ten leagues off Belleisle, wrote that since the Emerald and Eurydice had parted in chace, they had had constant gales; and on the 22d of Jan., the admiralty received a letter from sir Richard, dated the 16th, then lying ten leagues south-west of the Rochebonnes, in which he states, that the Superb and Mediator joined on the 12th, the Lavinia on the 14th, and the Colossus yesterday; and adds, "but it was not till this morning that the weather would permit us to communicate by boats." This then was sir R. Strachan *versus* the hon. gent. and let the house decide between the two authorities. The hon. gent. then proceeded to shew, by a variety of documents which he cited, that sir Richard was compelled to abandon his position by the weather, and not by want of provisions; and concluded, by admitting that the facts contained in the hon. gent.'s Resolutions were, generally speaking, correct; but he denied the inference from them. The last resolution, which that hon. gent. had candidly submitted to his inspection, and which he had declared his intention of moving, should those at present before the house be assented to, contained a most direct and positive censure on the board of admiralty, couched in the strongest terms of reprobation. As he, therefore, considered all the preliminary Resolutions as vehicles for the last, he should move the previous question on them, and meet the last with a direct negative. Above all things he deprecated any delay in the decision of the house on the subject. Let us have it out now, added the hon. gent. my situation is not a sinecure, and I am unwilling that any proportion of my time should be uselesly diverted from the public service. If, however, the hon. gent. is determined to fight another day, I am ready to meet him; but I can assure the house, that from the first agitation of this business, I have felt considerable uneasiness; not from the slightest apprehension as to the result, but because I was aware that I should be drawn off from that which is the immediate object of my anxiety and ambition.

Sir *Charles Pole* totally differed from the hon. gent. who had just sat down, both as to the facts themselves, and the inferences which he drew from them: he read extracts from many different letters on the table, by which he shewed that the fleet off Rochfort were very badly provided, and could not have followed the enemy more than three or four days. The power of dispatching ships to relieve sir R. Strachan, it was plain, was not vested in lord Gardner; else he surely would not have sent off five different and anxious letters to the admiralty on the subject. He read extracts from a letter, dated 11th of Dec. stating to the admiralty the distress of the fleet, which letter was answered by the admiralty on the 18th, sending a supply of provisions in one victualling ship: although this ship was intended for the supply of three squadrons, namely, that off L'Orient, off Ferrol, and Rochefort, yet she did not convey more than equal to sixteen days bread, for the line of battle ships off Rochefort alone. He said, if every pound of bread, which had been so sent, had been received by the Rochefort fleet alone, it would not have put it in a situation to follow the enemy. Such inattention on the part of the admiralty was the greatest blow England could receive, as it would be the greatest triumph the enemy could obtain. That day was perilous to us indeed, when we found ourselves unable to furnish 7 sail of the line sufficiently to keep their stations. He could not conceive what was meant by sending one store-ship out to supply such a fleet with bread, wine, and water. He could not foretel what would be the decision of the house, but he knew well what would be the sense of the country on such conduct: the house might divide three to one in its favour, but the nation would not be a whit the more convinced. He then read an extract from a letter to the board of admiralty, dated the 15th Dec. in which it was declared, that the fleet was in total want both of sails, water, and every other necessary with which a fleet should be provided. In consequence of such a situation, sir Richard Strachan was compelled to quit his anchorage, to look out for victuallers; what was the event? The enemy, taking the advantage of his absence, escaped out of Rochefort, which they never could have done, or would have attempted, had sir Richard been sufficiently provided to have kept his station in Basque Roads. At length, however, he did obtain a supply of 346 tons of water, which exactly provided his fleet for 26 days; and although he admitted that the Superb and Colossus further increased his store, still they did not so increase it as to enable him to pursue the enemy with safety. On the 28th, the Admiralty had an acknowledgment from the fleet of 23 days bread, 45 days water, and 24 days wine; this supply, added to the former supplies, exactly made a total of eight weeks and three days provisions; and he would ask, was that a sufficiency for a pursuit; for instance, to the Cape of Good Hope? The present board of Admiralty might be actuated by as pure and praiseworthy a zeal as possible, but he lamented their talents were not equal to that zeal. He said, as to sir Rd. Strachan's squadron quitting Basque Roads, he believed there was a reason for it, but too serious for him to state in that house. As to the transports which it had been stated were sent to relieve the squadron, although three had been sent, still but one arrived. He complained loudly of the mischief which would ensue from keeping ships at sea on urgent duty, waiting for the arrival of transports; they should be so situated as totally to feel above contingencies; but here so fatal was the adoption of a contrary course, that even had our blockading admiral seen the fleet which he blockaded standing out to sea on the 21st of Jan. he could not have chased them 20 leagues from land! From the very weekly accounts laid upon the table for the perusal of the country, it appeared that there was at that time on board the fleet only bread for 16, wine for four, and water for 25 days! He did not wish idly to declaim against the measures of any man or set of men, but he solemnly declared, that had a charge of the nature of this enquiry been brought before a court martial, and no other justification than what the papers on the table of the house offered, he should have no hesitation in deciding on his oath, that the British squadron off Rochefort had not been supplied in the manner which the exigency of the service required and the safety of the country demanded. He could not conceive how men could bring themselves to sport thus with the feelings of a gallant and deserving officer. What must those feelings have been, when, after all his hope, his anxiety, and fatigue, he had seen the French fleet stealing out of Rochefort unable to follow and defeat them, from the unmerited neglect with which he had been treated. The arrival of the Colossus and Superb had, however, been much dwelt upon, and after all, even when they had divided their supplies among the fleet, what provision had it? Exactly seven days bread, 63 days wine and spirits, and 40 days water! He was ashamed to take up the time and trouble of the house in detailing such broad and simple facts as these, when in fact any observation on the subject was rendered quite unnecessary by the able statement of the hon. gent. who opened the debate. This was a question to which the house should give all its attention; it involved the dearest interests of the country, whose safety was identified with the welfare of her fleet. As to the new system which the hon. gent. (Mr. Pole) had broached to-night, he was sorry to see any such attempted; if its effects were to be the allowing a ship to remain at sea for eleven months, and when she had remained at home only as many days, sending her out again—if such were to be its effects, he disclaimed and denounced such a measure: the name of the ship so treated he said was the Defiance. He deprecated leaving ships so long and so ill-provided at sea for such a length of time. He did not profess himself friendly to a vote of censure on the Admiralty, however he might have thought them inefficient; before such a measure was adopted, evidence should be heard at the bar of the house; and then, and not until then, a censure could be warrantably passed on so public and respectable a board; but what must the squadron off Rochefort think, nay what must be the feelings of the whole British fleet and of the country at large, when an impartial and temperate examination of the papers laid on the table of the house by the Admiralty, proved, that the blockading squadron had been cruelly neglected; and admitting for the sake of argument, that every pound of bread, and every gallon of wine and spirits, which reached sir Rd. Strachan before the departure of the French squadron, had been correctly distributed, still it was most notorious that the British squadron would not have been in a state to have followed the enemy.

Mr. *R. Ward* stated, that the general plan pursued by every Admiralty, was to keep a sufficient force off every blockaded port, adequately equipped and provisioned to watch the force of the enemy. The mode of relieving these squadrons was by sending out vessels, ship by ship, provided, not only with their own equipments, but loaded also for the equipment of others. The commander in chief of the Channel Fleet was the person to see that they were properly victualled, and regularly relieved, and he corresponded for that purpose with the port admiral at Portsmouth and Plymouth. Every page of the papers shewed that lord Gardner had acted in that manner. It might happen, however, that this plan of blockade, during a naval campaign, might, under the pressure of more important objects, be altogether suspended. At the time to which the papers referred, the expedition to Copenhagen, and the return of the fleet and the prizes, had occupied much of the attention of the Admiralty. Squadrons were also provided to blockade the Tagus, and to convey the Royal Family of Portugal to the Brazils. Another squadron was also assembled at Spithead, of sufficient force to meet the Russian fleet then expected to come up the Channel. He called upon the gentlemen opposite, who were disposed to be fair, to give credit to the letter of sir Rd. Strachan, declaring his approbation of the attention of the Admiralty to his squadron. It appeared by the papers, that, in November, the squadron had ten weeks provisions on board, and that 18 days after, ten transports, one of which was immediately driven back, and only four of which were able to reach their destination, had been sent out with 700 ton of water to the squadron. The large ship was sent out with a temporary supply only, and he admitted that the Admiralty was answerable for every thing up to 21st of December, at which date the squadron had six weeks water, six weeks and four days bread, and eight or nine weeks beef, pork, and wine. It might be a question why the Mediator had not sailed till the 6th of Jan.; but he shewed from the letters from admiral Young, that the weather alone prevented her sailing, and he was confident the hon. gent. would not question the authority of that gallant officer. He denied most positively, and challenged any gentleman to prove, that sir Rd. Strachan had for a single moment, left his station. The hon. bart. had fallen into an error, when he asserted, that the Admiralty was blamable for not sending out the supplies earlier. They could not contend with the elements, and it appeared from the papers, that the state of the weather was such, that from the 3d of Dec. to the 28th of Jan. during a period of 55 days, as not to allow the vessels to sail. Was the Admiralty to blame for that? As well might they be blamed for a vessel's foundering at sea, as the Admiralty of the day be blamed for the unfortunate loss of the Royal George. He should not trespass longer upon the attention of the house, though he had felt it not unnecessary to add these general observations to the able and impregnable arguments of his hon. friend. Philip II. of Spain, the greatest tyrant the annals of history exhibited, on hearing of the fate of his Armada, exclaimed, 'Thank God it is no worse!' That consideration which a tyrant manifested for the interposition of the elements, the Admiralty had a right to expect from a British senate.

Mr. *G. Ponsonby* observed, that the Resolution went to say that sir R. Strachan's squadron was not supplied with provisions, and that was proved by the documents on the table, beyond a question. It had been said, that sir Richard had never left his station on account of the want of provisions. A letter from him, dated the 21st of Nov., says, 'The wind having veered to the Northward, he stretched out to sea to try to meet some of the transports that he had expected.' Why proceed to sea, in an uncertain pursuit, to look after transports, if not in want of provisions? and if he did proceed to sea, he must have gone off his station. The letter of sir Richard, upon which the hon. gentlemen prided themselves so much, contained not a particle of any thing that could support them. Sir Richard had written several letters to his commanding officer, lord Gardner, stating the situation of the squadron, and its want of provisions; but finding the supplies did not come, he wrote to the Board of Admiralty. The consequence was, he received a supply; and this boasted prize, this letter, commending the board, went just so far as to say, he thanked them for the attention they had paid to his communication. Did this exculpate them? Did he say any thing about what had been the situation of the fleet? No: but look to his letter of the 23d of Jan., four days after the French had got out, and what does he say, after all the boasted supplies reached him? 'That if his provision and water would last him, he would follow the enemy over the world.' A blockading squadron ought to have provisions on board equal to what the fleet they were blockading could possibly procure. The Board of Admiralty could not think that the enemy's squadron would go no farther than what two months' provision would allow them. That must have been their supposition, or that there was an understanding between the board and the enemy; for when sir Richard went in pursuit, he had but two months' provision. He would challenge any person to prove the squadron ever had more than two months' provision, although an hon. gent. had found out that every British squadron ought to have five months' provision. It was the most novel defence he had ever heard set up. It went to say, 'the enemy's squadron has got out of Rochfort, and, if you say nothing about it, we will take care it never shall be so again.' They next brought tempests and hurricanes, and said, they could not fight against the elements, as an excuse. He had never heard that the Bay of Biscay was very serene and calm in the months of Dec. and January. Every person knew the westerly winds generally prevailed at that season of the year; and could the Board of Admiralty be ignorant of it? If they were, it was not a wonder that sir Richard's squadron suffered from the want of provision; and if they did know it, they were the more blamable for not having provided against it. He did not charge the Board of Admiralty with intentional neglect, but he charged them with want of judgment.

The house then divided on the previous question, Ayes 146; Noes 69. Majority against the Resolution 77.

HOUSE OF LORDS.

Tuesday, May 10.

[Offices in Reversion Bill.] Lord *Hawkesbury*, on moving the 2nd reading of this bill, stated briefly the former proceedings respecting this subject, and contended that there was a material difference between the principle of this bill, and that of the former bill, which went to the total abolition of the prerogative of granting offices in reversion, upon the mere ground of expediency, stated in the preamble, whilst, in the present bill, it was only proposed to suspend that prerogative for a limited period, and that on special ground stated in the preamble, namely, with a view to inquiries now pending in the house of commons. It was easy to conceive that such a suspension might be of material importance to the objects of the Committee of Finance, in order that offices might not, in the mean time, be granted in reversion, and thereby placed beyond their controul with respect to any proposed regulation. Viewing the bill therefore in this light, he should give it his support; and although with such an object before a committee of the house of commons, no minister would advise his majesty to grant any office in reversion in the mean time, still he thought it more constitutional to legislate in the way now proposed, than to leave it to an address of either house of parliament.

Lord *Redesdale* repeated his former arguments upon this subject, and thought the bill the first step to measures pregnant with danger to the constitution, and which therefore they ought to resist in the outset. He considered the former bill as less exceptionable than the present; as in that, what was decided was broadly and fairly stated, but in this he conceived an attempt was made to draw their lordships into an approbation of measures which might prove highly injurious, and which, if rumours were to be believed, would tend to a material invasion of the constitution. The bill in itself would, if passed, be an infringement of the constitution, for which no adequate reason was stated. It was not enough to say that inquiries were pending; their lordships ought to be informed of the nature of the measures which were intended to be proposed, and for which this bill was to lead the way. The former bill had been rejected, and he thought the house ought to make a stand upon their independance, and reject this also, coming, as it did, so immediately after the rejection of the other, and standing as it did on no better, or rather on worse grounds.

Earl *Grosvenor* supported the bill, in order that there might be no obstacle in the way of the labours of the committee of finance; and the more so as there was supposed to be a disposition somewhere, though not open and avowed, to throw impediments in the way of that committee. The objection of the noble and learned lord, that there was no recommendation from the crown, could surely be of little avail after the recommendations from the throne at the end of the last and the commencement of the present parliament, to adopt measures with a view to economy in the public expenditure. The noble and learned lord had talked of measures to which this would lead, and which would endanger the constitution; but what was the object of the committee of finance? simply to consider of economy, and to prevent a lavish expenditure of the public money, at a crisis like the present, when burdens, however necessary, pressed heavily upon the people. From such measures, instead of danger, the most beneficial consequences would result. He considered the present bill as of little efficacy compared with the former; but it should nevertheless have his support, rather than that no measure of the kind should be adopted.

The Earl of *Moira* professed himself at a loss to discover any reason which existed for passing the present bill. He thought it was incumbent upon those who proposed or supported a measure which infringed upon a prerogative that had been exercised for 300 years, to shew that abuses existed in the exercise of that prerogative, or that some great public benefit would be derived from its limitation or its abolition. In this case, however, nothing of this nature had been shewn, nor was there any evidence before them that such a measure could be of the slightest utility. He thought there had been a great public delusion upon this subject, and that advantages had been held out which could not by any possibility result from this measure. He could not consider this measure as of the slightest importance with a view to economy; nor was there any information before the house to prove, in any other point of view, its necessity or expediency.

Earl *Morton* observed, that the former bill having been rejected, a new bill, of a similar description, ought not, according to the ancient usage of the constitution, to be entertained; and from the circumstances under which this bill had come up, he thought the house ought to make a stand here in support of their own independence, and reject it.

Lord *Holland* thought there was little necessity for combating the arguments used against the bill, as the speech of his noble friend (the earl of Moira) who opposed the bill, and the speeches of the noble lords on the other side who also opposed the bill, answered each other. The noble lords on the other side thought the bill would actually destroy the constitution, whilst his noble friend, on the contrary, thought it a measure of no consequence. With this contrariety of opposition, there needed little to be said in support of the bill, which he hoped would now be carried. He could discover no such cause for alarm as that stated by the noble and learned lord, nor did he know to what rumour the noble lord alluded. He agreed with the noble earl (Grosvenor) as to the comparative inefficacy of the present bill, and would rather that the former bill had been carried, but he would not run the risk of losing the measure now proposed, by giving any opposition to it upon that ground, or by proposing any alteration in it. He trusted it would now be carried, and there appeared reason to believe that it would be. If it was, he should hail it as a great and a splendid triumph obtained over that secret influence which had existed for 40 years lurking behind the throne, over those secret advisers who had attempted to curb the ostensible ministers, themselves remaining without responsibility. He hoped this had resulted from ministers having assumed courage and spirit to oppose this secret influence. He trusted it had not been the effect of a compromise, in which the justice due to a large portion of his majesty's subjects had been sacrificed. He trusted that Maynooth college had not been the object of this compromise, and that some of those ministers who had contributed to the establishment of that institution had not consented to give it up as a condition of the compromise. He trusted that this was not the case; that the passing of the bill was to be considered as fairly resulting from the circumstances under which it was introduced, and that it would not be the only beneficial measure which would result from the enquiries set on foot.

Lord *Somers* supported the bill, chiefly on the ground that he conceived secret influence to have been used in the rejection of the former bill; and wherever it appeared, he thought it his duty to make a firm stand in opposition to it.—The bill was then read a second time.

HOUSE OF COMMONS.

Tuesday, May 10.

[KING'S MESSAGE RELATING TO THE DUCHESS OF BRUNSWICK.] The Chancellor of the Exchequer presented the following Message from the king:

"G. R. His majesty finds it necessary to state to the house of commons, that in consequence of the disastrous defeat of the Prussian arms in the autumn of 1806, attended with the melancholy death of the reigning duke of Brunswick Wolfenbuttel, and the occupation of his territories by the enemy, his majesty's sister, the widow of that illustrious prince, has been compelled to seek an asylum in his majesty's dominions: immediately on her arrival in England an establishment suited to her rank, required by her misfortunes, and such as it became his majesty's affection to afford, was provided out of the Civil List; but no provision being made in the distribution of that fund for this unforeseen charge, his majesty recommends to this house to consider of the means of enabling him to continue the support of that establishment; and his majesty relies with perfect confidence on the loyalty and attachment of his faithful commons to make such provision as may appear proper on an occasion so interesting to his majesty's feelings, and so nearly connected with the dignity of his throne."—Ordered to be referred to the Committee of Supply.

[DEMISED REVENUES OF THE CROWN.] Mr. *Biddulph*, in pursuance of his notice, moved for a committee to consider how far the provisions of the act of the 1st of his present majesty, by which it had been directed, that the Demised Revenues of the Crown should be carried into and made a part of the Aggregate Fund, had been complied with. The hon. gent. entered into a long explanation of the subject. He repeated his former assertions with regard to the value of these revenues, which he estimated at 200,000*l.* a year, again contending that they might be applied to the public service; in the course of his speech he commented with much severity on the mismanagement of the Royal Forests, by which the timber of the country, so materially necessary to its service, was deteriorated and destroyed.

Mr. *Rose* questioned the accuracy of some of the hon. gent.'s statements, and denied that the present amount of the demised crown revenues exceeded 35,000*l.* out of which 10 or 12,000*l.* went to various charges. He disapproved of a special committee, and thought the finance committee, of which the hon. gent. was a member, fully adequate to any desirable object the hon. gentleman had in view.—A division then took place, when the numbers were, for the motion 12; against it, 37. Majority 25.

[CURATES RESIDENCE BILL.] On the motion for the recommittal of this bill,

Lord *Porchester* argued against the bill, on the ground that while it violated the rights of the church, it would afford no relief to the great body of the curates themselves. The object of the bill was not to augment the income of those who most wanted it; but to raise the value of a few curacies, while the greater number of those who entered holy orders were left precisely as before. To relieve these he should be perfectly willing, if it could be done; but the causes of the poverty of many of them were, first, the poverty of the benefices themselves; and secondly, the great number who pressed into holy orders without the prospect of any provision at all, except a trifling and precarious curacy. He observed, that this raising the incomes of a few curates would have no other effect, than that of inducing many more than the present average number to enter into holy orders, and by that means the poverty of the whole would be increased rather than diminished. His objection went to the principle of the bill altogether, and he should therefore move as an amendment that it be re-committed this day three months.

Mr. *Windham* had carefully applied himself to the examination of the bill, and the result was that he thought it very injudicious, very pernicious in point of principle, and inefficient as to any good practical purpose. He remarked, that two views were entertained of the nature of church property; the one was, that it was inviolable, like private property; the other, that it was merely to be considered in the nature of a salary for a particular duty, and that the legislature might interfere with it and alter it with as little ceremony as the salaries of any public office. He thought that neither of these two propositions was just in its full extent. He was disposed to concur in the theory of the right hon. gent., that it was inviolable like private property; but that the legislature had a right to interfere, so far as to provide that the duties attached to it were performed. But then he asserted, that the meddling with this property, in the manner proposed by the bill, was dangerous to the church establishment; for the bill seemed to be founded on the principle maintained by those who held that all those clergymen, who were not employed in parish duties, were useless members of that establishment. The law allowed pluralities. Clergymen, therefore, could not always reside on their livings; and attaching penalties to that which the law permitted, he contended, was unjust. It also seemed to proceed on the supposition, that the number of curates was limited. This was not the case; and the augmenting a few curacies would only bring a greater number into holy orders, and by that means increase the distress of the whole. On the whole, the bill went to a dangerous violation of church property, without any chance of improving the general condition of the curates.

Dr. *Laurence* argued, that there was danger in almost every view in which the measure in question could be taken.

The *Solicitor General* supported the bill, as a measure that was best adapted to the welfare of the church.

Mr. *Whitbread* would vote for the bill being committed. The only objection he had to it was that it did not go far enough. —The house then divided upon lord Porchester's amendment. Ayes, 11; Noes, 94; Majority, 83.

HOUSE OF LORDS.

Wednesday, May 11.

[SCOTCH JUDICATURE BILL.] On the third reading of this bill,

The Earl of *Lauderdale* regretted, that after the subject had been so long before the house, so little should be done by this bill, and particularly that no regulation was made with respect to the Court of Tiends. He wished also that something more had been done, with respect to the introduction of trial by jury.

The *Lord Chancellor* thought that nothing should be done with respect to tiends until after a judicial decision as to the rights of the clergy.

Lord *Hawkesbury* defended the bill, which he thought would tend to operate a material reform in the administration of justice in Scotland. With respect to trial by jury, the house was not yet ripe for deciding that point, nor did he believe that it was sufficiently understood in Scotland.—The bill was then read a third time and passed.

HOUSE OF COMMONS.

Wednesday, May 11.

[DUCHESS OF BRUNSWICK.] The *Chancellor of the Exchequer* moved, that the house should go into a committee of supply. In the committee, his majesty's Message, recommending a provision for the duchess of Brunswick, being read, the right hon. gent. expressed considerable satisfaction that it would not be necessary for him to enter into any detailed statement, in order to induce the committee to accede to the Resolution which he was to propose in consequence of his majesty's Message. It would be idle, to enter into the circumstances which led to and accompanied the death of the illustrious personage for whose relict it was now proposed to make a provision. It would naturally occur to gentlemen, that the death of that illustrious personage had been encountered during hostilities, in a cause in which the best interests of this country and of Europe were involved. Whatever impression the event and circumstances of that death might have produced, it was not on that ground, but in consequence of the near relation which his relict bore to his majesty, that the present application was made. He was confident therefore, that no objection would be made to enabling his majesty to provide out of the consolidated fund an adequate establishment for the duchess of Brunswick, who had sought an asylum in her brother's dominions. The only question would be as to the quantum of that provision. And when the committee considered, that she had been a sovereign, and was driven from her territories to seek refuge in this country, he was certain the committee would act with liberality, and that the difference of a few hundreds more or less would not be any object on such an occasion. It was upon this ground that his majesty abstained from recommending any grant that might appear extravagant, whilst his majesty's ministers, on the other hand, thought it their duty to avoid any niggardly limitation of the proposed provision. Under that impression, he should move a Resolution to enable his majesty to grant a sum not exceeding 10,000*l.* per annum, out of the Consolidated Fund, as a provision for her royal highness the duchess of Brunswick. The house was aware that an establishment to that amount had already been advanced to the duchess of Brunswick out of the Civil List, since her arrival in this kingdom; in consequence of which, he should have, on another occasion, to move the restitution of the sum so applied from that branch of revenue.

Mr. *Whitbread* rose, not to object to the Resolution, for he concurred entirely in the sum proposed. That house, he was sure, would, at all times, be ready to shew its attachment to his majesty's person and family. It was on that ground alone, and not in consequence of any circumstances that attended the death of the duke of Brunswick, that he consented to this resolution. So far from considering the hostility in which that event had taken place, as involving the best interests of this country, he looked upon the last coalition as most disastrous to the cause of Europe; and so far was Prussia from being in alliance with this country at that period, that we were at war with that power. Undoubtedly, a minister had been sent to negociate an accommodation with Prussia, but the noble lord who had been sent on that mission, had returned without having been able to reach even his destination. He had said thus much, because he would not omit any opportunity of declaring his opinion, that the last coalition had been ruinous to Europe. As to the vote, he fully approved of it, tho' he should not be committed to any future proposition which the right hon. gent. might think proper to bring forward in addition to it.

Lord *Morpeth* highly approved of the grant, and trusted the house would always recollect that the princess was an Englishwoman, in addition to whatever claims she might have to their regard.

General *Tarleton* approved of the grant, and affirmed that the duke of Brunswick had, on different occasions, done much service to this country.—The Resolution was then agreed to.

[WESTMINSTER ELECTION—CASE OF PRIVILEGE.] Sir *Francis Burdett* had waited till he saw the house in a sufficient state of attendance, before he stated how he was circumstanced with respect to a transaction which in his view of it involved a breach of the privileges of that house. It would be necessary for him in order to explain the situation in which he stood, to state to the house a transaction which had taken place in one of the courts below. It was well known, that at the last election for the city of Westminster, the electors had nominated him as one of the candidates without his knowing any thing of the fact; and it was only towards the close of the election, that he was made acquainted with it. The electors claimed to be exempt from paying any part of the expence of that election, and the High Bailiff of Westminster had brought an action against him as one of the candidates, to recover a proportion of the expense of taking the election. Though there was no law to authorise such a demand, nor any custom to sanction the practise, though it was well known that he had not taken any share or portion in the conduct or direction of that election, yet, without any proof of the existence of law or custom to sanction the demand, the learned judge in the court below had thought proper to direct the jury to find a verdict against him, merely because he had taken his seat. This was the reason delivered by that learned judge to the jury, why he had incurred the expenses for which the action was brought. Now as to his taking his seat, that was not voluntary on his part, as he had done it in compliance with the writ, and any individual who may be elected, was compellable to attend and do his duty in that house. Yet the learned judge had held that the circumstance of his having taken his seat had rendered him liable to expences incurred in taking the election. He was yet to learn what benefit it was to an individual to sit in that house, if he came there to discharge his duty with integrity; and he was therefore surprised to hear any learned judge say, according to the law, as it is at present, that a seat in that house was any other than a burthen upon the individual elected to that situation. He was not, however, surprised to find that learned judge consider a seat in that house a benefit, as it was a stepping stone to the bench. But he had not expected that a judge upon the bench would lay it down, that an individual for yielding obedience to the writ, had incurred a penalty for doing what, if he had not done, would have made him liable to the censure of that house. A person who had a duty imposed on him ought to be suffered to do it without impediment: but this was an involuntary act upon his part, and ought not, according to any constitutional law, and he hoped that all such law was not altogether forgotten, to subject him to any such penalty. It was said in lord Raymond's reports, that judges did not understand the laws of parliament. The matter was of small moment to him, it was even an object of perfect indifference, but it was of material importance to the electors of Westminster, and to the privileges of that house. He did not make it a subject of complaint. What he mentioned the transaction for was, to know whether he was to comply with the demand that would be made upon him, in consequence of the decision of the court below. He applied but for the advice of the house, in order, that, by his silently submitting to that decision, the privilege of that house should not suffer any breach in his person.

The *Chancellor of the Exchequer* did not know how to address the house on this occasion; indeed, he felt he should apologize for offering himself, as there was no motion before them. He trusted, however, that the house would allow him to state what occurred to him in the view he at present had of the case; and from every attention that he could give to the statement of the hon. baronet, it did not appear to him to be a case in which the house could interfere. If the hon. baronet was right in his conception of the law, respecting the misdirection of the learned judge, he had been very ill advised by his counsel, not to apply for a review of the whole case, by a motion for a new trial, or by a bill of exceptions. As he apprehended the case, the action had been brought against the hon. baronet for the use which he or his agents had made of certain erections for hustings, and the facts went to be decided upon to a jury. The direction of a judge might be right or might be wrong, but in either case that house was not the proper tribunal in which to have the proceedings of the court below reviewed. The course of practise in the administration of law, was in such cases either to proceed by motion to the court out of which the record issued for a new trial, or by a bill of exceptions; and if either of these had been resorted to by the hon. baronet and not been successful, there would be no relief for him. It was not for him to say whether or not the direction of the learned judge was correct; but the jury had no doubt decided upon the evidence produced to them of the use made of the erections by the agents of the hon. baronet. That was his view of the subject, but it would remain for the hon. baronet to decide what course he should pursue to attain any object he may have in contemplation.

Mr. *Curwen* vindicated the learned judge from the imputation of having obtained his present exalted station by any party services, and contended that his elevation was altogether owing to his transcendant talents; as an abler or more upright judge had never sat upon the bench.

The *Speaker* did not know that he was not bound, upon an application of this description to the house, to state what occurred to him upon the subject. Undoubtedly, as he understood the matter, the hon. member had offered himself to the house with perfect regularity, on a transaction which appeared to him to amount to a breach of their privileges. The hon. baronet in taking this course had done his duty, and it was a grave question he had submitted to their consideration, so far as it regarded a breach of the privileges of that house, and affected the character of an eminent person in a high judicial office. If he (the Speaker) had had any notice of such an application; if he had but the slightest intimation of the intention of the hon. baronet, he would have endeavoured to be better prepared to satisfy his inquiry. At present he had to apologise to the house, if he should not be able to give that satisfaction which on such a question was to be desired. The house could not be prepared in this instance to give advice to the hon. baronet. What he would recommend was, that he should wait, till some practical consequence should result from the decision of the court below, and if he should conceive that consequence to be a breach of the privilege of the house, he could not too soon bring it under the view of the house, nor could the house too soon proceed to take it into consideration. —After a few words from sir F. Burdett, disclaiming the having brought the question forward as a complaint, his object having been to obtain advice from the house, the matter was allowed to rest there.

[Dr. Duigenan.] Mr. *Barham* rose to make his promised motion respecting the appointment of Dr. Duigenan as a Privy Counsellor of Ireland. He began by disclaiming all personal motives towards the learned gent. with whom he had never happened to have the smallest intercourse in his life, and whom he was disposed to regard with respect, in every other view but what belonged to the subject of which he was about to complain. This, however, he considered as of so much importance, that under similar circumstances he should not be deterred from a similar course, by any degree of respect which he either did or could entertain for any man whatever. The motion was of the greatest importance, for if it were received, it could not fail in a considerable degree to counteract the ill effects which a late measure (the reduction of the Maynooth establishment) must infallibly produce by irritating the minds of the catholics in Ireland. The matter in question was small in itself, but the effect would be great. Prompt to a sense of injury, and still more of affront, the Irish character was equally sensible to marks of kindness. The little importance of the thing in itself added to the value of the occasion, as it more completely distinguished the intention from the act, and the principle from the thing. If ministers seized this as a happy opportunity of telling the Irish catholics they did not regard them as enemies, and convincing them by this act of attention that they had no intention of wounding their feelings when a sense of duty required them to refuse their request, this motion would render a signal service to the state, the catholics of Ireland, and above all to the minister himself. Should this even not be the happy result, still the discussion would do good. He differed diametrically with those who deprecated Irish discussion in that house. It was important that such discussion should take place; that the catholics of Ireland should see that there were persons in parliament who entered into their feelings and espoused their cause; that the eyes of the catholics should be attracted to the parliament: for if ever, fancying themselves disregarded or forgot here, they should look another way, the danger would be much greater. He was therefore never alarmed by catholic petitions, and cared not extremely in what manner their dissatisfaction was expressed. But when their murmurs should become not loud but deep, when they should no longer think it worth their while to complain, danger would be near at hand; for there was no symptom so truly alarming, or which so surely announced the near approach of political dissolution, as the silence of a discontented people. Gentlemen might wonder at his taking up this subject, who had no peculiar local knowledge, but such was not necessary on this occasion. All the premises he wanted were facts that were notorious, all the conclusions he should draw were applicable to every country in the world. It would not be denied that the Irish catholics were greatly discontented. It would not be denied that the church establishment in Ireland was anomalous; being forced on that nation after conquest, in opposition to the religion of the mass of its people; affording the singular spectacle of a clergy in many parts without duties to perform, and a people without the means of religious worship; pastors without a flock, and flocks without a pastor. It must be supposed either with the learned doctor, that the catholics were hostile to the state; or it must be supposed according to the better opinion entertained on his side of the house, that they were at least in great danger of being rendered so. He might venture to state that things were not mending; but that this great branch of the empire, which for some time past had been a source of weakness rather than of strength, was in some danger of becoming a fatal tool in the hands of our enemy; an enemy who aims at nothing less than our extinction, and is already at our gate. What, in such a deplorable state, was to be done, might be a matter of difficult inquiry, and require great local knowledge; not indeed because your course could be doubtful, but because your time was short. But it could require very little deliberation, to say that you ought not to hasten the crisis you dread by paltry provocation and petty insults: that you ought not to encourage those whose whole life has been occupied in irritating and insulting them: that you ought not by marks of distinction to sanction the language of those who declare them enemies, or to place in situations of power those whom they regard as such. There were some people who, viewing the unexampled success of the enemy, and how (fatally as it were) all those who had opposed him seemed but to work out his own purposes, were led to conclude that he was sent as a scourge to accomplish the total overthrow of the world. With such opinion, Mr. Barham said, he did not agree; but if any thing could lead one into so gloomy a train of thought, it was what was passing in our own bosom. He asked what would Buonaparte have desired, in order to accomplish the subjugation of Great Britain, but to divide it? What would he have desired in order to divide it? He would have said, let the government fall into the hands, not of bad or weak men, for of such the influence would be small and the power short, but of men who stood high in public opinion for their character and talents; but, he would have added, let them have some favourite prejudice which must make a considerable body of the people regard them as enemies; and finally, that the jealousy may be irreconcileable and fatal, let the subject of it be religion. Unspeakable were the blessings which religion had showered on mankind; but dreadful were the evils which it had occasioned, when mixed with an alloy of human prejudice and passion. Religious zeal, when pure, did indeed exalt man above manhood, but when corrupt it produced actions of which human nature seemed hardly capable. It was dangerous to trust it too easily; for we saw how, with even a small degree of prejudice, it could lead even good and wise men into opinions and conduct wide from the usual benevolence of their hearts, and the usual intelligence of their understandings. Gentlemen boasted of their toleration. For toleration such as theirs little thanks were due. They could not now, were they so disposed, persecute with the rigour with which not catholics alone but protestants also had persecuted, in former ages; they could not now deny all exercise of their own religion to a whole people; but they were as intolerant as the age would allow them to be. They sought to keep this religion in a state of degradation, depression, and difficulty, and they encouraged those who represented its followers as enemies to the state. How different a course would the christian religion direct, as it came pure from its great author? That had not less zeal for truth than compassion for error; that required us not to think alike, but it commanded us to love one another; that sought union indeed, but how? It taught with gentleness, it persuaded with love. Would that approve the miserable expedient of endeavouring to bring over the catholics by what was called encouraging one religion and discouraging another; making, at most, proselytes of a few knaves? No; that would endeavour to bring over the religion itself, by affording its followers every means of improvement and instruction. No man would deny that an enlightened catholic of the present day was widely different from an ignorant catholic of the dark ages. Should we then have brought the catholics no nearer to the protestants, if for a dark, corrupt, and furious catholicism, we could substitute the catholicism of enlightened and educated men; not indeed free from religious error, but purified of much religious error, corrected of all false morality and all tenets dangerous to civi lsociety? Purified and corrected, how? By its separation from power; power, with which if our own religion should form too close an alliance, it will soon be degraded and corrupted also. It was not necessary, in order to ascertain what was perfect toleration, either to search in books for definitions, or inquire into the etymology of the word. But let any man ask himself what he would consider as toleration in his own case. If he had fully and faithfully discharged his duties as a subject of the state, he would expect, that for matters which lay between God and his own conscience, he should not only not be punished, but also that he should not be deprived of any common benefit which his fellow-subjects enjoyed. He would ask more: he would expect that he should not be marked by any odious distinction, or exposed to the aversion and jealousy of his fellow-subjects. All this was included in the principle of toleration, such as the christian religion would teach, or a wise policy dictate; less than this might be submitted to, but less than this would never satisfy any man who felt all the rights, and was willing to discharge all the duties, of a good subject.—He believed that his religious opinions might lead him as far from the tenets of the Romish faith as those of any man in the house; but he could not approve the abhorrence of that religion, which was inculcated and boasted of as if it were a virtue. It could be no longer useful; it was no longer just. When this religion was abused by wicked and cruel men for the purpose of persecution, it was natural that such abhorrence should be created, and that it should descend to a few subsequent generations; but when it appeared that the will to persecute no longer existed, and, at any rate, the power was gone, why nourish sentiments that set one christian against another? On what ground could such abhorrence be justified? surely not on the tenets of their faith, a matter entirely between God and their own hearts. On their claim to exclusive salvation, which made some gentlemen so angry, had those a right to be angry who adopted the creed of St. Athanasius? These subjects might be very proper for a polemic divine, but would be very ridiculous for a member of parliament, or a chancellor of Ireland. For his own part, however he might differ from their religious opinions, he could not easily be brought to abhor the religion which had been that of some of the wisest and best men; that of a Fenelon or a Pascal; the latter of whom he pronounced one of the brightest ornaments, and perhaps the ablest champion, that christianity could boast. He had couched his motion so as to render it as little personal as possible; and he was not without hopes that it would be rendered unnecessary, for he was not without hopes that the learned gent. would rise in his place and say to the house, 'What I said respecting the Catholics is my sincere opinion, and I stated it to the house because I thought it my duty so to do; but as to this promotion, let me not receive it if it can cause the least discontent. I will accept no dignity that shall cost my country so dear; far be it from me to become 'right honourable' at the expence of Irish blood.' If this should be his happy course, all I can say (concluded Mr. Barham) is, that every good man in England or Ireland will regard him as more truly 'honourable' or 'right honourable' than he could be rendered by any mark of distinction which kings can either give or take away.—He concluded by moving, "That an humble Address be presented to his majesty, that he will be graciously pleased to give directions that there be laid before this house, Copies, or Extracts, of all correspondence that has passed between the lord lieutenant of Ireland and his majesty's secretary of state for the home department, touching the appointment of Patrick Duigenan, esq. LL.D. to be one of his majesty's most honourable Privy Council in Ireland."

The question being put, and the cry of the Noes greatly preponderating,

Mr. *C. Wynne* rose. He had expected to hear some reason offered for an appointment likely to be attended with so much mischief. The necessity of the presence of the learned doctor for the dispatch of ecclesiastical business in the privy council, which was alledged the other night, was a mere empty excuse, for the privy council of Ireland exercised no ecclesiastical jurisdiction whatsoever. He looked upon this appointment as precisely similar in motive and effect to the appointment of Mr. Giffard. When the Catholics were not encouraged to hope for all the rights to which he and many others thought them entitled, at least care ought to be taken to avoid what would have the appearance of studiously irritating and insulting them.

Sir *A. Wellesley* declared, that the learned gent. so frequently alluded to on this occasion, had not himself made any application whatever for the appointment which it had been thought fit to extend to him. The appointment had been recommended on the ground that the learned gent. filled the office of Judge of the Prerogative Court, the holders of which, with the exception of the learned doctor's immediate predecessor, had sat in the privy council. There was a great deal of ecclesiastical business relating to the union and disunion of benefices before the privy council.

Glebe-houses had become matter of more extensive care, in consequence of an act brought in by a right hon. gent. (sir J. Newport) last year. The presence of the Judge of the Prerogative Court was essential to the dispatch of this business. The appointment being necessary, there was nothing in the character of the learned gent. to render it improper. The learned gent. might have allowed his zeal for the established church to carry him into language too warm, and perhaps indiscreet, but that was no reason why he should not be called to the service of government, where he was peculiarly fitted to do service. The learned gent. was not likely to be a general adviser of the lord lieutenant, or to be called upon for his advice. He was to be a privy counsellor for ecclesiastical affairs. Excessive zeal was often the cause of indiscreet language on both sides of the house, and every example that was cited ought to serve as a warning to both sides. His own opinion was, that without distinction of religion, every man ought to be called upon to do service to the state, where he was particularly qualified to do that service, and on that ground the learned gent. ought to be appointed of the privy council.

Sir *J. Newport* said, he had little idea, when he directed the attention of the house to the state of the Irish Church, that he was by any means promoting such a curse to the country, as the promotion of the learned doctor. On what grounds did government seek to justify so extraordinary an appointment? Why, because the urgency of ecclesiastical business required the presence of a distinguished civilian. The house would be surprised to hear, that in England, where the ecclesiastical business was tenfold, the number of ecclesisatics who attended the privy council was much less than in Ireland! As a proof of this, he referred gentlemen to every proclamation issued from the Castle of Dublin, to which the names of two or three bishops were almost always attached. But why did he attempt, from any official reasons, to prove the little necessity there was for the advancement of a man to whom there was every moral and political objection? What! would it be wise or rational to promote a man who, all his life—he begged pardon, he believed only since his accession to a place under the Protestant Church,—had declared himself hostile to the great majority of the Irish people? He denied that it was usual to appoint the Judges of the Prerogative Court privy counsellors; and even if it was, he would make an exception here. He implored ministers to pause and see what they were about. He begged them to review the whole tenor of their intolerant administration. He begged them not daringly and deliberately to drive an oppressed but high-spirited people step by step into rebellion; to harrass them by every species of outrage and insult.

Mr. *Beresford* maintained that whoever charged the Roman Catholics with being bad subjects, libelled and belied them: but to call in question any appointment for language made use of in parliament, however indiscreet, was at once to interfere with the prerogative of the crown, and the first privilege of parliament, freedom of speech.

Mr. *Tierney* would have wished much to have heard some of his majesty's ministers undertake to defend the present appointment. All that he knew of the learned doctor who was the object of it, was, that he understood him to be a man whose life had been occupied in religious contentions; and that all the sentiments which he had delivered in that house, were given in such a manner, and carried to so extravagant a length, that he believed there was not a single member in the house who would venture to say that he concurred with him. The learned doctor had long held the office which he now held, and it was never before thought necessary to raise him to the rank of privy counsellor. What could be the motive, then, of such an appointment at the present time; or how could his majesty's ministers suppose, that in recommending such an appointment, they were cherishing that unity and harmony which it appeared to be his majesty's earnest desire to cultivate? He wished to hear some of his majesty's ministers state, for what merits the learned doctor had been recommended. The sort of defence of the appointment which the right hon. secretary for Ireland (sir A. Wellesley) had made, was any thing but complimentary to the learned doctor. He had stated, that his power of doing mischief would be very limited, and that he would only be called upon for his advice on ecclesiastical questions. But what security was there for the house and the country, that the learned doctor would abstain from any of the duties of a privy counsellor? As soon as he was appointed, he might think it his duty to offer his advice on all subjects, and there could be very little doubt of the tendency of his advice, if it were followed. The catholics of Ireland had no quarter to look to but that house, and he conceived that it was the duty of the house to address his majesty, praying him not to listen to little narrow-minded bigots, but to the general feeling of his people. A noble lord (Castlereagh) and a right hon. gent. (Mr. Canning) appeared this night in a situation peculiarly awkward. It was the boast of the right hon. gent. to be the representative of the opinions of Mr. Pitt. He would venture to say, that if Mr. Pitt were living, he would be ashamed of such an appointment as would raise the learned doctor to the rank of a privy counsellor, and that he would never have lent himself to that little contemptible system of irritating a people, which the present administration appeared to have adopted. It would be hard for them to prove, that the promotion of Dr. Duigenan was an object equal to the tranquillity of four millions of subjects. It would be hard for them to persuade the catholics of Ireland that they had nothing to fear from those prejudices which had dictated the writings and the speeches of the learned doctor. It appeared to him to be a pure, wanton, and gratuitous insult to the feelings of the catholics of Ireland. He thought it was impossible that there could be any justification for it, and that it was a symptom of a general system to be adopted against the rights and against the feelings of the catholics of Ireland.

Sir *Robert Williams* said that whatever might be his opinion on the general subject of what was called Catholic emancipation, he could by no means approve of the system which seemed now to be adopted, of heaping insult upon insult on the Catholics of Ireland. Upon the general question which was to come on, he might probably be of the same opinion which his constituents had expressed; but he was sure his constituents never could approve of such a wanton insult as this appeared to be to the Catholics of Ireland.

Colonel *Montague Mathew* thought it an unpardonable insult to Ireland, and every one connected with Ireland, to the house of commons, and to the empire at large, that his majesty's ministers would not condescend to offer any explanation on this scandalous appointment, but sat silent relying on their majority.

Lord *H. Petty* expressed his surprise, that his majesty's ministers should have thought this a proper time for promoting a man who was remarkable for nothing so much as his rooted hostility to a considerable proportion of the population of this empire. When the gentlemen on the other side of the house did not venture to say a word in favour of the man who was the object of their choice, it appeared to him that their silence, however prudent, must yet be considered as a guilty silence. If the appointment was agreeable to their opinion, they ought to defend it; and if it was not agreeable to their opinion, they should not have made it. Their silence might be in some respects pardoned, for there might be a factitious unanimity in silence; whereas, in speaking, some differences might have arisen.

Mr. *Curwen* said, if the right hon. gent. (Mr. Canning) ever had any portion of the respect of the house or the public, he must or ought to have forfeited it by his present conduct. When the world saw that house debating in the manner they had done this night, it was impossible not to think that if the people had energy, the ministers had none. There was a secret influence in the cabinet of this country, which Mr. Pitt would have spurned at, and which any man who had been, as the right hon. gent. pretended to be, in his confidence, and emulated his conduct, must equally have despised.

Mr. *W. Smith* assured the hon gentlemen on the opposite side of the house, that a great majority of those who were in the habit of regularly voting with ministers did not scruple to censure the measure of making doctor Duigenan a privy counsellor in the severest terms. Not only had ministers great power over themselves, but they seemed also to possess complete influence over those of their own party, in preventing them from saying a single word in defence of this most extraordinary proceeding. As for what had fallen from the right hon. secretary for Ireland, the reasons which he had given for this proceeding were not only wholly unsatisfactory, but he did not believe them to be the true reasons. But though he had no hope of extracting any explanation or defence of the act from his majesty's confidential ministers, he assured them that if by persisting in their silence, they believed they would persuade the country, that this silence arose from any other cause than a total inability to vindicate their conduct to the house and the public, they were very much mistaken.

Mr. *Windham*, seing that the right hon. gentlemen sat still completely spell-bound, professed to entertain very little hope of rousing them from the state of silence and stupor into which they had fallen. The feelings which this silence excited, were in the first instance those of indignation; but these had already subsided into compassion, and he was afraid that they would terminate in ridicule and laughter. Never, since the Speaker sat in the chair of the house, was there an example of such conduct in the official servants of the crown. If, however, they were insensible to what they owed, both to their public duty, and to their private characters, he implored them to have pity on those from whom on this evening they expected support, and to assign some reasons for the vote which they expected them to give. It must be implicit confidence indeed, which was given, when those who looked for it, would not even deign to ask it. What must be the religion, where a monkey is the god? Would nothing, he asked, operate upon the right hon. gent. opposite (Mr. Canning) who was such an advocate for boldness and openness of proceeding? or was the whole burthen of debate on that side of the house to be left to the gallant general (sir A. Wellesley) and the hon. gent. under the gallery (Mr. Beresford)? The former had stepped forward with much zeal and intrepidity; and in such a task, courage was certainly wanting, for never before, he firmly believed, had that gallant officer volunteered on such a forlorn hope. The amount of his defence was, that the appointment was not of material importance, and, as far as related to doctor Duigenan personally, no danger was to be apprehended from it, because he was to be tethered down in the council, and only to be let out on ecclesiastical questions. The other hon. gent. chose a different line of argument; he gave up both the cause and the doctor; contending that the proposer of the motion should be nonsuited, because it was not laid on proper grounds. He had not, however, condescended to state any grounds for the vote of those who were expected to oppose it. The hungry sheep looked up, but they were not fed; they were not gratified with the boon of so much as a single argument. In opposition to the allegation of the gallant officer, Mr. Windham contended, that the appointment was of the utmost importance, when combined with the other acts of ministers, the tenure by which they held their offices, the promotion of Mr. Giffard, and the curtailed grant to the college of Maynooth, in the discussion of which, to use a vulgar phrase, 'the cat had been let out of the bag;' and, after much legal-grammatical discussion on the meaning of the word toleration, which was derived from *tolero*, to endure, had avowed their intention, not indeed of altogether starving the catholics, but of putting them upon short allowance of religious instruction. Never, he confessed, was there such an instance of infatuation as they had exhibited on that occasion, for though they found the thing ready done to their hands, nothing would satisfy them but undoing it. The present appointment was a symptom indicative of their intention to persevere in the same system, and might be considered as a red flag hung out to the Irish catholics.

Mr. *Whitbread* thought it impossible to add to the arguments, or the provocation, which had been used to stimulate ministers to speak upon the present question. He could only now ask these right hon. gentlemen, in the language which had been put to a noble lord on another occasion; 'Will you yet sit still in dumb despair?' He asked whether they were like a jury, agreed among themselves, and if they were, to speak by their foreman. They seemed to be completely spell-bound, as had just been stated by his right hon. friend; but he perceived from their countenances that they were yet alive. He could easily read in the countenance of a right hon. gent. (Mr. Canning), who was fond of sometimes reading in his, that that right hon. gent. was fully as impatient of his silence as was the house, and that if he would speak his sentiments, it would be in reprobation of the appointment of doctor Duigenan to a seat in the privy council. It was easy to perceive that there was no sympathy, no union in the cabinet, and that ministers were united only for the purpose of creating disunion. He observed that many gentlemen who were very regular in their attendance were absent from the house this evening, and among these several zealous supporters of ministers; but of those who were present, he demanded if there was a single man who would rise up and approve of the appointment of doctor Duigenan to the office of privy counsellor. Reverting to the obstinate silence of ministers, Mr. Whitbread expressed an apprehension that the incantation would not be dissolved till one of the parties went forth into the lobby. But when they did regain their power of utterance, he expected that they would make ample amends for their present taciturnity. He had read somewhere, that when the crew of lord Anson's ship of discovery were in the cold latitude, their tongues seemed to be frost-bound, but that as soon as they came into more temperate regions, there was a clatter among them quite as remarkable as their former silence. In like manner, he had no doubt that the hon. gentlemen were now treasuring up all the shot that was fired against them, with the intention of discharging it back against their assailants in a single volley on some early occasion. He concluded with strongly expressing his opinion, that the learned doctor was the most unfit man who could possibly be chosen for a privy cousellor in Ireland.

Mr. *Lockhart* rose, amidst a loud cry of 'question! question!' He said, from the turn the debate had taken on the other side of the house he should wish for some little information. He was anxious to know how far they meant to carry their intolerance? Hitherto they had been debating how far the disabilities of the Catholics were to be taken off. The house was now discussing how far a learned gentleman, who had expressed an ardent opinion in favour of the Protestant religion, was unfit for a situation of trust and honour. Instead of removing the Catholic disabilities, the gentlemen opposite called upon the house to degrade a man for using strong language in favour of his religion If this was their religious toleration, he was afraid it might degenerate into religious apathy and indifference.

Mr. *Barham* said, that he was aware that a member who brought forward a specific motion, was, by the rules of the house, entitled to reply, but as nothing in the shape of argument had been urged on the other side, he had his doubts whether he should avail himself of the courtesy granted upon such occasions. The hon. member then briefly adverted to some observations which fell from the other side; after which the house divided:

For Mr. Barham's Motion, 107; Against it, 179; Majority, 67.

HOUSE OF LORDS.

Thursday, May 12.

[DUCHESS OF BRUNSWICK.] The order of the day being read for taking into consideration his majesty's Message,

Lord *Hawkesbury* observed, that he could not think it necessary to detain the house with more than a few words, in order to induce them cheerfully to concur in the recommendation which he had the honour of delivering from his majesty. When their lordships recollected the military talents and general character of the duke of Brunswick; when they recollected the share he bore in a contest, which was not more the contest of Prussia than of England; when they recollected his hard fate, his melancholy fall, and the indignity offered even to his remains by the ruler of France, all of which must be still green in their lordships recollections; when they reflected how all those sufferings of that illustrious person must have preyed on the feelings of his illustrious consort, in whose behalf this recommendation came from his majesty, for the comfort and dignity of her age and rank; when they reflected on her near relation to his majesty; they would surely do with alacrity, what that house was ever ready to do—give eager proof of their attachment and affection to their sovereign, in furthering whatever object they knew he had at heart. His lordship concluded with moving an address to his majesty, assuring his majesty that that house would cheerfully concur in promoting the purpose of his royal communication.

Lord *Auckland* spoke highly in praise of the virtues of the illustrious duchess, and was sure that every loyal subject would readily agree to the address.

The Earl of *Lauderdale* rose, not to oppose the address, but to narrow the grounds on which alone it ought to be proposed. The house had nothing now to do with the military talents and career of the duke of Brunswick, or with the contest in which he had last been engaged. All the house should consider was, that the illustrious person for whom such an establishment was proposed was very nearly connected with his majesty; for if, in the present state of the continent, every unfortunate prince or princess were to seek a retreat and an establishment in this country, merely on the score of their misfortunes, it was not unlikely that we might have many candidates for the bounty of the British nation. If he was not wrongly informed, this illustrious person had already a pension on the Irish establishment, which, with what was now proposed, which he understood to be

10,000*l.* per annum, would amount to an income of 14,000*l.* a sum which he would not say was either too great or too little; but this he must observe, that the house in granting it, were not very consistent; for surely if the sister of the king, who was only the daughter of a prince of Wales, was entitled to such an establishment, the daughters of the king of England should be entitled at least to the same, while it was well known the princesses were not allowed even one half of that sum. This inconsistency, however, he should now leave to the reflection of their lordships.—The question was then put on the address, and agreed to nem. diss.

[OFFICES IN REVERSION BILL.] On the motion that the bill for suspending the making of such grants be read a third time,

The Earl of *Lauderdale* rose, and repeated his objections to the bill. It was wholly different in principle from the bill that had been introduced in the commencement of the session, and was by no means such as the committee of finance had in contemplation, or as the country was led to expect. If that was all the committee of finance thought of doing, then, indeed, the people would be disappointed. He fondly hoped to see the enquiries penetrate into the great departments of government, the navy, the army, the ordnance, where great and essential savings might be made: but if their object was only to abolish some sinecure places, which he rather thought should be retained for the reward of public services, then, instead of promoting economy, it might be found that they would have increased expence. But nothing more displeased him in the bill, than seeing it was the result of a petty compromise between ministers, who wished to secure their places, and that party by whom this bill had hitherto been opposed, and who possessed a secret influence which was known to be able to make or unmake ministers.

Lord *Harrowby* perfectly concurred with the noble lord who spoke last, as to the propriety of retaining some fund from which his majesty might be enabled to reward services, where the persons who had rendered those services, had not been born to hereditary wealth. Such a fund, he thought sinecure places might contribute to supply. He differed widely, however, from that noble lord as to his insinuations of a compromise; did not the very nature of the constitution depend on compromise? otherwise, could public business be carried on for a moment without practical compromises? He thought the house of commons had acted wisely in new-modelling the bill; and that their lordships acted wisely in assenting to it.

Lord *Holland* was surprised to see the house deserted by those who had prognosticated such alarming mischiefs from the bill. This to him was a new proof that the passing of the present bill was a matter of compromise; not of that sort of compromise of which the noble lord opposite had just spoken, but a compromise that was to keep ministers in their places, while they removed the objections of that party upon whom their power was known to depend.

Lord Hawkesbury and the Lord Chancellor disclaimed the doctrine that the bill was subversive of the constitution, inimical to the prerogative, or repugnant to the dignity of that house. If it had any such tendency, it never should have had their countenance and support.

The Earl of *Darnley* did not think the bill sufficient, but he still should support it, and consider it as a pledge of what the house was further disposed to do, and as a pledge which he trusted they would redeem.—The bill was then read a third time and passed.

HOUSE OF COMMONS.

Thursday, May 12.

[SUGAR DISTILLATION.] Mr. *Yorke* presented a Petition from the land-owners, corn masters, and maltsters, of the county of Cambridge, against the proposed measure of exclusive Distillation from Sugar. He hoped that the chairman and members of the West India committee, who had recommended that measure, would not bring forward the motion on Monday, but that they would give time for the satisfactory examination of the voluminous documents that accompanied the report. The importance of the measure required mature deliberation, and he was sure the committee could not wish to hurry it through the house.

Lord *Binning* had certainly no wish for improper haste, but no delay could take place consistently with any prospect of carrying the measure into effect this year.

After a few words from sir J. Newport, the Speaker put a stop to the conversation as irregular, and lord Binning being again appealed to, declared, that for the reasons already stated by him, he must persist in bringing forward his motion on Monday.

HOUSE OF COMMONS.

Thursday, May 12.

[MR. PALMER'S CLAIM.] Major Palmer moved, That the house should resolve itself into a Committee to consider the Report on Mr. Palmer's Petition.

The *Chancellor of the Exchequer* gave his consent to the motion, on the ground, that a Committee would afford the most satisfactory mode, according to the opinion of the honourable mover, for discussing the merits of the case: he begged, however, to be understood as by no means, from his acquiescence in this step, giving his concurrence to the measure, or assenting, in any degree, to the principle of opening anew an arrangement long closed.—The house having gone into a Committee,

Major *Palmer* rose and spoke as follows: —Sir; Before I state the grounds of the motion I mean to submit to the consideration of the house, I beg leave to say a few words in explanation of the reason which has induced me to come forward on this occasion. I trust I shall stand acquitted of any impropriety in being the advocate of what may be considered, in some degree, my own cause. I am fully aware of the difficulty and delicacy of my situation, and how much I stand in need of the patience and kind consideration of those whom I have the honour to address, to enable me to execute what I have felt my duty to undertake. The difficulty I speak of consists solely in that apprehension which I conceive must be natural to any one, like myself, unaccustomed to address this house, and which I think may have occurred even to those whose abilities justified a confidence in themselves, which I only derive from a conviction that, in the present instance, no talents on my part can be requisite.—I beg to assure the house, that whatever my own feelings may be, I have not a wish to excite an interest with them beyond that of honouring me with their attention, and doing that impartial justice in this case to which, if their own, they might conceive themselves entitled; and that I have no motive in personally bringing it forward, but to conduct any discussion that may be necessary on the part of the Petitioner in such a manner, as to shew how much he wishes to avoid the slightest personal disrespect to those with whom it may have been his misfortune to have differed on this subject, and those of whose liberality in leaving it to the unbiassed decision of the only court to which he can appeal, no one will be more sensible than himself.—Sir; I mean, as shortly as possible, to occupy the attention of the house; and to this effect, shall merely move to read the Report of the Committee, and follow it with a motion conformably to the observations therein contained. Should such motion meet the approbation of the house, it will be unnecessary for me to give it further trouble; but in the event of a difference of opinion, I humbly beg leave to express my wish, that I may be allowed to take an early opportunity of answering the objections which may occur to any hon. gentlemen who have read the Evidence upon which this Report is founded. In doing this, sir, I presume not for a moment to prevent other hon. gentlemen from offering their sentiments; particularly those to whom I feel so highly indebted for the pains they have taken in the investigation of this business, and that time and attention they bestowed upon it in the Committee. But having, as I hope, made myself master of the subject, I think an earlier reply on my part than I believe is customary with the mover of a question, may tend, perhaps, in some measure, to shorten this discussion; and should I be so fortunate as to answer such objections to the satisfaction of the house, I am sure the advocates in the cause will not regret any trouble I may be the means of saving them in its defence, nor feel the less inclined, in case of failure on my part, to render me that assistance I may stand in need of.

The Report of the Committee having been read, Major Palmer submitted the following Resolution: viz. "That this "house is of opinion that Mr. Palmer is "entitled to the sum of £. 1,500 a year; "together with £. 2. 10*s*. per cent. on the "net revenue of the Post Office exceeding "the sum of £. 240,000; to be paid up "from the 5th of April 1793, and during "his life, according to the provisions of "his Appointment of 1789; deducting "the sum of £. 3000 a year received sub-"sequent to the 5th of April 1793."

Mr. *Long* rose and said:—I cannot avoid acknowledging, that I feel very great astonishment at the house being now called upon to express their sentiments upon an arrangement which they had specifically decided upon several years before, and which I have always considered to be a transaction perfectly satisfactory to the public mind. A Committee was appointed in 1797, upon whose Report parliament decided against the merits of a Petition precisely similar to this, and I cannot conceive upon what grounds the hon. gent. hopes that the present house of commons will act so inconsistently with their former opinion as to agree to the present motion. The grounds of their former decision were, that Mr. Palmer had failed in the performance of his agreement. Mr. P. was bound to fulfil the duties of the station in the Post Office to which he had been appointed; he failed in that respect, and upon that failure he was removed. Mr. P. was first suspended for refusing to obey the orders of the Post-Masters General, for endeavouring to throw the Post Office into confusion, to create unnecessary expence, and to render the delivery of letters late. [Here the right hon. gent. read various extracts from Mr. Palmer's Correspondence with his Deputy Mr. Bonnor.(*a*)] After the perusal of letters like these, I cannot forbear mentioning my surprize, that it is possible for the committee to have sent in such a Report as that which I now hold in my hand—a Report recommending Mr. Palmer's regard to economy! when the fact established by the letter respecting Wilson proves so gross a want of it upon Mr. Palmer's part. The charge of creating unnecessary confusion in the Post Office I think is amply substantiated by certain arrangements recommended with respect to the inferior persons in the Comptroller General's Office. It was said in these letters that one of the persons so recommended, instead of doing his duty would employ his time in quarrelling with his superiors. The late delivery of letters is also mentioned in the letters to be a probable consequence of some of the arrangements recommended. After all this, it

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(*a*) *Letters from* MR. PALMER *to* MR. BONNOR; *delivered to the Postmaster General by* MR. BONNOR.—[Report, p. 66.]—Salisbury, October 16th, 1788.—DEAR B.—I hear, by Lloyd, of the fag you have at Bow Street: whoever the villain is, I hope it will be brought home to him, and that severe example may put a stop to these frauds so disgraceful to our office. You have not been able, I suppose, to see Rose about Morse's application.—If you could send to Chinnery about it, or get some answer or other for Morse, I should be glad. I will write to lord W. to-morrow; he is going on just right: I hope you have kept his letters, as they would justify any thing ever so absurd or extravagant.—The lesson I would have given Wilson is this; that it is impossible for me, or any one the most ignorant, not to be sensible to the shameful conduct of the business, or charges of his bills, and not officially to condemn it; at the same time, I have recommended lord W. to pay it, and shall continue to do so: as, having made the charge, if he recedes from it, it will be proclaiming himself a rascal. I think lord W. saw Wilson himself, and give him orders to spare no expence, &c. if so, that should be the point pressed by Wilson.—I shall advise him to see Wilson, who must be d——d firm with him; insist on every article being just; that he has charged nothing for his trouble, that 200 *l.* could not pay his loss in his other business, by attending to this, which made him very ill; —the first time his character was called in question, to be suspected and treated in this manner, after all he has done for the office, the world will cry shame on it; that to get down the price for carrying the Mail, &c.—that they understood they should always have 3*d.* a mile the first price; that in obeying my orders, and assisting to get it down to a penny, he got the ill-will of all his partners and friends; that he saw they would not do it much longer, if they had not their old price, and what they deserved, for they lost, God knows what by it; but if he was to be treated in this shabby way, he knew, what he had to do, and should take care of himself, &c. &c. &c. This is a private hint and advice from your friendship to him; that you know I shall not object to his taking any merit to himself, to get him out of his present scrape.—The matter should be quietly to throw this load upon his lordship; let him be bullied, perplexed, and frightened] and made apprehensive that his foolish interference may even occasion a rising of the mail prices at 20,000 *l.* per annum difference to the office: Think of all this, for he must not escape this bout; the fun would be to get Wilson to a board, and let him bamboozle his lordship with his slouch and his slang and his blackguard. Wilson must be well lessoned; tell him lord W.'s declaration to me in his letter about the bill, but that I shall still advise payment. I hope to get to Bath ere the post goes off; if I should, any thing in your letters there to answer.—Your's truly, J. PALMER.—Can any thing be so gross as lord W. sending his letter to me open to Braithwaite, and desiring him would have been highly improper had the Treasury permitted Mr. P. to retain his situation any longer; and upon such premises I must assert and argue that Mr. P. is entitled neither to the 1,500*l.* per ann. nor to the increased revenue of the Post

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to give his opinion on a surveyor for Scotland, without saying a syllable to me, who am just returned thence? But I know the gentleman pretty well, and his shallow views.

Isle of Wight, May 22d, 1789.—Dear Bonnor,—I should rather imagine, by your letter, that the deed could not be done effectually, without betraying that some pains on our parts were taken to effect it; unless therefore a thorough and complete dust could be kicked up, and a glorious confusion, better forbid the account being taken at all, and assume a merit in preventing mischief. You will however determine as you see fit, that which may be best. The horse fell with me about two miles this side Southampton; he was so stunned that he rolled on my leg, and lay on it so that I feared it was broke, but thank God it is whole, though much bruised; take care therefore, and be cautious of riding your mare again, after the hints she has given you. Poor Toby had given me two or three gentle warnings, which I was fool enough to neglect. Our best compliments to the ladies; Mrs. Palmer is very indifferent; the girls well.—Ever your's truly, J. Palmer.—All unite in love to Tom and Charles.

Wilderness, September 30th, 1790.—Dear Bonnor;—You have managed vastly well.—If, like Trappolin, I was made king for a day, I should say like him, I believe, Take me these two coxcombly lords to ———. The soreness of the business is —Lord W. just after my last return from Scotland, went into a curious investigation, and a sort of reform of that Office without the least communication whatever with me, and in the coarsest manner to Oliphant; made some confusion, and did nothing. The business will now be really and effectually done, and without advising with his Lordship, and I will defy them to undo it. I sent to them for the papers and reports, or copies of them, by Hasker. They sent word being official papers they could not part with them, but would send me copies; which they have not done. Every thing being nearly finished, the only way I could comply with their orders, if they should think proper to repeat them, would be to send to Freeling, that, as by my directions he had carried into execution many regulations for the improvement of the correspondence, &c. which had already been productive of good effects, it was the Postmaster General's pleasure that he should, as far as he possibly could, put it back in the same irregular and confused state he found it:—But they are not such miserable fools to press it.—They will be entering some absurd resolutions, that the Comptroller General having done so and so, that in future no regulations shall take place, without first having their sanction.—I really have always felt, that every material alteration, &c. should have their sanction; but that it is impossible with lord W. to do this, and unless the constitution of the office was altered, it must be so if they insist on it.—I certainly could expose them most damnably; but 3 or 4,000 a year must not be trifled with; though if it was not for the children, I should like to lead them on to a downright quarrel, and a thorough exposure of them. If there were men of sense at the head of the department, I could not have a dispute with them.—I have sent your letter to Lott, which is vastly well; I have told him to inform the proprietors where the fault lay. You see, that I ought not to hazard the most distant possibility of these worthy peers saying to me, You do not pay the contractors their money. I hope a few days will complete all your accounts and work up the rubbish, that you and Mrs. Bonnor may have a quiet dip in the sea, and be set up for the winter. I think of passing through town in my way to Bath, about the 10th or 12th of next month; and if you think it necessary, will meet Sir Benjamin and the partnership. I should wish my accounts to be given to Maskelyn soon as Gosnell can, to look over against I come up. Soon as you return from the sea, I shall want to talk to you about a new and general Post Office Act, which I have occasionally mentioned to you, and other matters. Will you see Maskelyn, and let all the guards and incident bills be now settled; for that insidious Lord W. though he has himself occasioned the delay, exclaims about the poor people. Day, and all together, would soon do it; the sooner too we can send in the proposed Officers, and their arrears, &c. the better. Your's ever, J. Palmer.—Hope to reach Hastings to-morrow.—It is certainly right

Office with official services. I perfectly recollect, that this was not only the impression upon my own mind, but also upon that of my glorious and lamented friend Mr. Pitt (with whose confidence upon this very subject I was frequently and particularly

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to take care of every paper that passes betwixt the Postmaster General and me.

Hastings, October 3d, 1790.—Dear Bonnor; The worthy Peers, you see by their last letter, have left me no alternative, but we must go to the Treasury: 'Tis unpleasant, bitch'd as I have been there, but it must be done. My last letter proves every disposition on my part to go on well, and the troubling Mr. Pitt rests with them. As I shall write them a very full and decided answer, that we may close entirely on the business, it is necessary for me to have many papers, and Lloyd to copy some. All the papers that were laid before the Commissioners—my letters to Lord Walsingham, and his that occasioned them—Allen's narrative, 'tis in the bureau, I believe; Day and Lloyd can find them, I think—and every paper you can think of that may be of use to refer to. Do you likewise look out Lord W.'s numerous correspondence, his minutes, &c. and recollect some instances of his throwing the correspondence into confusion, but for my stopping his order given. You recollect the particular circumstances I allude to. Pack Lloyd down in the coach with the materials. Will you send a porter to Mr. Jackson, Old Palace Yard, for a small turtle he has given Mr. Harris, and let Lloyd bring it with him. Though the conduct of the Lords is the very thing I ought to wish, and must end well, yet it revives old quarrels and feelings, and fevers me in spite of myself. D— them, I never can be absent to get a little bathing or quiet, but this is the case. I think they will look small.—You may trust Sir B. in confidence, but beg him to mention nothing of it. I mean you to shew him the papers that have past. I wish you would call on Boydell, congratulate him on being Mayor, and say all civil things from me to him of his spirit, encouragement of genius, &c. for we may want him, and Braithwaite you know is his intimate; but of this we'll talk further when we meet. In a hurry, Your's ever, J. Palmer. —Send me a copy too of their last minute.

Brighton, October 26th, 1790. Dear Bonnor; Will you see the principal Clerks, and say, as from yourself, that in the present situation of matters, you think the Postmaster General will sign their warrant directly; by way of shewing how ready they are to take my recommendation, if I will only submit it to them. You had better therefore simply send the Officers names, and the sums allotted to each.—The inclosed papers need not go, unless they chuse to canvass the matter, which I don't think they will do. Nobody, therefore, should go down, but do you send it them, and say any thing you please yourself. I thought it better, as an official letter, to date it from the Post-Office. Excuse to Stow my not answering a letter I had from him; how much I am pleased with his exertions, and that I shall see him soon.—I think Johnson, or any other expectant friends, should have their minds made easy, and be told how safe every thing is, and their officers being the better settled for this very brulée.—I have the pleasure to tell you I have had a long conversation with Lord C. this morning, and a gentle and friendly jobation for basting the peers. He will see Mr. Pitt himself, and enter fully into the business; and I hope and believe we shall now have it clearly and definitely settled; but this must not be mentioned, nor his name.—Tell Bartlett to look over all the letters betwixt me and lord Walsingham, and he will find some copies from me, though they can be scarce made out, which shew that I foretold it must come to this issue if he persisted in his conduct; and used every method myself to prevent it.—Will you send likewise for the copy of what they last sent to the Treasury, which they mean as a sort of reply or observation on my last letter; because I should have it to refute to Lord C. if necessary. I go with him, Thursday, to Chisselhurst. He wants to see the copy of the actual Treasury Warrant for my appointment, and the Postmaster General's appointment of me in consequence of it. Bartlett will find them all in the right-hand drawer of my desk; send therefore all of them by return of post. He will look over all the acts, and every part of it, to see if he cannot work out a little law to go on ere he sees Mr. Pitt.—I keep the three minutes you have sent to show lord C. As to their query about 2 oz. franks, I suppose some person's frank under 2 oz. has been charged by mistake, and this is their way of enquiry, and doing business. They are certainly charged according to the acts, honoured) that Mr. Palmer accepted the 3000*l.* a year as a full compensation of all emoluments he could fairly claim, independent of his personal services. I am ready to allow, that Mr. Palmer's Plan has done very great and extensive service to the public, and upon that ground, indeed, my revered friend, Mr. Pitt, always felt a very strong reluctance in dismissing him from his office. On that ground, too, if it were now to be made a question, whether the remuneration given were sufficient or not, I might not be averse to the entertainment of it; but, when the question is brought forward upon the dry principle of the execution or non-execution of the agreement between Mr. Palmer and the public, I must maintain that the case is against Mr. Palmer.

Major *Palmer*:—Sir; The right hon. gent. having stated every objection to this motion that I am aware of, with the permission of the house, I will now reply.—It is contended in the first place, that this is an old question already decided, and for that reason should not again be brought forward; particularly after the decease of Mr. Pitt, who was a party in the transaction. It is of this, sir, Mr. Palmer complains, that Mr. Pitt being a party should also have been the judge; and with respect to the renewal of this question, I trust I shall explain to the satisfaction of the house, that the fault does not rest with Mr. Palmer.—A Committee of this house was appointed in the year 1797 to inquire into the nature of Mr. Palmer's Agreement with government, and

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and there cannot be a more regular officer than Coltson: speak to him upon it. As to the good woman at Bagshot, she seems a friend of mine, and to have given the Peer a dressing for interfering in her department. But why should we send a Surveyor when the Peer has made the enquiry and examination, and say what should be done. He is the Surveyor, and should have finished his business; for Freeling cannot go down and report against the Postmaster General.—Freeling may as well go down though, and follow his directions; and I hope the old woman may be spunk, and refuse to apologize, and bid them kiss her b. for the office is not worth holding; and if the Surveyors visit them on this stuff, they will have nothing else to do. Freeling should go to the Secretary, and look at Lord Chesterfield's minute, as I cannot return this. I think, by your account, the discipline of the Inland Office goes down, which will be no bad thing. It is not impossible but they may get into a tolerable confusion there, as the dispute is known amongst them. I wish, if you can send it by return of post, to have my former letter to Lord Walsingham, to shew Lord C.—I think Johnson might take huff at some of the officers not observing his directions, and keep out of the Inland Office; and Stow and Austin, quietly if they could, and without apparent design; let Brown and Ruddick take their situations. Brown would be disregarded, and Ruddick would dispute with the officers, instead of enforcing obedience. We should by degrees get an hour or two later in the delivery; by degrees, in a week or two: I think it might be quietly and cautiously managed, if even little or no notice was taken of their not coming early, or absence. The coaches must be kept to their duty, as they have not interfered with them. Ever, Dear B. Your's most truly, J. PALMER.—You will of course mind your cue with the Peers, and be as well in their grace as you can. I return with lord Camden to Chisselhurst, Thursday; and shall be in town Friday or Saturday, I think; but I wish it not to be known.—I forgot to say, send a copy of the Postmaster General's patent too, if you can get it. They will let one of our officers copy it at the Treasury, if you will send to Mr. Mitford, though I think you will find one amongst the old papers.

Bath, November 23d, 1790.—DEAR B.—Lord Camden is returned to town, or Owen's letter would be excellent; a right sketch. I shall keep it for him, as I shall state in my answer the inutility of the Secretary or Postmaster General's Clerks places: the latter is not of long standing; was a mere job at first. Jackson once gave me the history of it. I wish you could get him to dine with you, and the subject might easily be introduced. Have you yet sent my friend Abbot the correspondence, as Mr. Pitt is willing to confirm any powers to me the act of parl. will allow; I really think they might, in some shape or other, be made out sufficiently strong, and independent of the noble Peers. Did Bartlett mention to you they had been telling their story to the king? Pretty masters! so they complain to Domine of the great boy. Your's most truly, J, PALMER.

to report their opinion thereon. This Committee were afterwards instructed to inquire into the causes of Mr. Palmer's Suspension, and to report their opinion on that, as well as his Agreement; but before the Evidence was closed, the right hon. gent. the chairman, (Mr. W. Dundas), who held a considerable office under government at the time, without the slightest communication with the Committee, or the least previous notice in the house, moved a third order, rescinding the two former ones, and instructing the Committee not to report their opinion upon the Evidence, but the Evidence alone. The consequence was what may easily be imagined; that at the time the subject was discussed in the house, this mass of Papers had scarcely been examined by an individual member, and those who from their political situation were led to oppose the measure, merely read partial extracts from this Evidence, and Mr. Palmer's private letters; which, I am ready to admit, unexplained, were sufficient to prejudice him in the opinion of many as to his conduct in the office.—Sir: I do firmly believe, that had that Committee been allowed to make a Report on the Evidence, as originally instructed, Mr. Palmer would have received then, the justice he hopes for now, and been spared the anxiety, fatigue, and expence of the many years which have since elapsed.—The right hon. gent. has also stated, that Mr. Palmer consented to the settlement of the present allowance he receives. Admitting this to be fact, I cannot think it an excuse for the breach of an Agreement to have compelled an individual to submit to an injustice he was unable to resist; but, sir, in no way whatever did Mr. Palmer consent to this settlement; on the contrary, he invariably declared, "That though Mr. Pitt, to suit his political convenience, might dispense with his services, he could not dispense with the engagement he had entered into." I can produce a letter of Mr. Palmer's in proof of this, but have no wish to read it to the house, as it might tend to revive feelings I am anxious to suppress. I shall, therefore, merely state, that it is an answer to the present earl Camden, who was kind enough to mediate on the occasion. Upon Mr. Pitt's decision being made known, Mr. Palmer in an interview with lord Camden expressed in the strongest terms his sense of the injustice which had been done him, and his determination to procure redress. Lord Camden shortly after wrote to Mr. Palmer at Bath, again recommending forbearance, and Mr. Palmer in his answer repeated his former sentiments, declaring that it should be only with life that he would relinquish his exertions to obtain justice*.—From that time to the period of the Committee in 1797, Mr. Palmer endeavoured by every conciliatory means to procure his object. He first presented a memorial to the Board of Treasury, stating all the circumstances of his agreement, and requesting the fulfilment on their part. To this Memorial, after repeated assurances that it should be taken into consideration, he at length received an answer, after eight months delay, stating, "That their lordships conceived 3000*l.* per annum for his life a sufficient compensation for his services, and that they did not think themselves justified on the part of the public in making a further allowance." To this Answer Mr. Palmer sent a strong remonstrance, which he concluded by declaring, "That if their lordships should be still disinclined to admit his Claims, it was his intention to appeal to Parliament." Mr. Palmer waited some months longer before he received the Answer to this remonstrance, when he was finally informed "That their lordships saw no reason to alter their former determination."—Now, sir, I appeal to any hon. gent. in this house, could the Board of

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* The following is the Letter alluded to by the hon. gent. See Woodfall's Debates, May 31, 1799.

"Bath, Aug. 6. 1793.—My dear Lord; I have the honour of your letter, and am truly vexed that I should differ in opinion from your lordship, whom I so highly esteem, or that I am driven to pursue a conduct not perfectly consonant to your wishes. Nothing but the respect I bore to your lordship and lord Camden, to your judgment and Mr. Pitt's situation, induced me to act in the manner I have done. Two sessions of parliament have passed over, I have been suffered to sink quietly with the public, and turned out of my office with not half my agreement. The apprehensions of my friends, too, being excited that I might be deprived of every thing, perhaps, think me fortunate in the allowance granted me. I find it therefore every way necessary that this should be explained to the public, and when it is, I do not believe a man in this country so far from thinking me ungrateful, but will be satisfied I have been most infamously treated."

Treasury have produced the slightest proof, or had they believed that Mr. Palmer had ever been satisfied with the settlement they had made, would they not at once have expressed their surprise at his application, and have given him a direct and positive refusal, instead of keeping him so long in a state of suspense, and not even at last venturing a hint at consent on his part, or making a single answer to all the facts and arguments he had urged for the fulfilment of his agreement.—Disappointed in his first attempt, Mr. Palmer on the present occasion presented a Petition to his majesty, stating the peculiar hardship of his case, that in an agreement with the Government which on their part had been broken, he was precluded an appeal to the laws of his country. On the grounds of this Petition, the late administration consented that a similar one should be presented to this house, and a Committee appointed to examine the former Evidence and report their Observations upon it. I have understood from Mr. Palmer, that the noble lord, the late Chancellor of the Exchequer, (lord H. Petty) was so good as to suggest the propriety of this Committee being a select one, and to point out the description of members of which it should be composed, in order to obtain the object of their appointment; viz. a fair and impartial Report upon this Evidence. I have also understood from an hon. gent. the chairman of that Committee, that the present Chancellor of the Exchequer fully consented to this appointment; and I therefore trust, that that right hon. gent. at least will not object to the question, on the ground of its having been before settled.—With respect to this Report, I am afraid that it may almost appear an impertinence on my part, the attempting to defend it; but I trust that the Committee who drew it up will make allowance for my situation, and at any rate acquit me of the least want of respect towards them, or gratitude for the trouble they have taken on Mr. Palmer's account. These Observations in fact speak for themselves; nor should I deem it necessary to trouble the house with a discussion of them; but that I am anxious to explain some parts of this Evidence, which I hope I shall be enabled to do to the satisfaction of hon. gentlemen, who may require an explanation upon those points, to which the Committee, on their liberal though strictly just view of the subject, may not have paid that minute attention which I have done.—The first observation of this Report states as follows: "That the parts "of Mr. Palmer's Petition, which alledge "his invention and execution of a most "useful Plan for the reform and improve"ment of the Posts of this country, and "which he undertook at his own risk and "expence, have been substantiated; and "also, that it appears that Mr. Palmer "met with very great difficulties in the "progress of his Plan, in consequence of "a determined and continued opposition "from the Post Office, the most expe"rienced officers in that department hav"ing declared the Plan, previous to its "execution, to be impracticable, and in"jurious to Commerce and the Revenue." —With respect to this observation, I shall only say, that strongly as it is expressed, no one without reading the Evidence, can form an idea of the extent of the opposition Mr. Palmer met with, and every one who does read it must be convinced, that had Mr. Palmer failed in this Plan, undertaken at his own risk, and declared impracticable, no other person would have attempted it. —The Committee next observe "That the "parts of Mr. Palmer's Petition, which "alledge an Agreement made with him "by the right hon. William Pitt, Chancel"lor of his majesty's Exchequer, in 1784 "(and afterwards modified in 1785), by "which Mr. Palmer was to have an ap"pointment in the Post Office for life, "with a salary annexed of 1,500*l.* per "annum, and also a further allowance of "2*l.* 10*s.* per centum on the future in"crease of the net annual Post Office Re"venue beyond 240,000*l.* have been sub"stantiated." Nothing I think can be clearer than this Observation; the Evidence contains in the first place, Mr. Palmer's Statement of his original terms, which stands uncontradicted; (*b*) secondly,

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(*b*) *Extract from* Mr. PALMER'S *Evidence.* —[Report, p. 3.]—Was there any written Agreement between you and the Board of Treasury, relating to the Appointment you lately held in the Post Office? No. —Was there any verbal Agreement made with the Treasury, for the Reform and Improvement of the Post Office and its revenue? Yes; with Mr. Pitt, through his secretary, Dr. Pretyman.—What was that verbal Agreement? I left some Papers with Dr. Pretyman, stating, that if my Plan succeeded, for the Reform and Improvement of the Posts, I demanded for my life 2½ per cent. on the future increased the Correspondence betwixt the present earl Camden and himself, and also Mr. Palmer's Letters to Mr. Pitt, fully proving the modification of these terms (c) and, lastly, the Evidence of Mr. Pitt himself. (d) The third Observation states "That in "the year 1784, certain regulations, for "an increased postage and restrictions in

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revenue of the Post Office, beyond the present net profits, and not to have one shilling if I did not succeed in my Plan; this happened in the spring 1784. The answer brought to me by Dr. Pretyman, (private secretary to Mr. Pitt,) was, that the terms were thought fair, and would be fully complied with, provided the Plan succeeded.—Have you ever asked for a copy of the Papers delivered in to Dr. Pretyman? No, I did not; nor kept one myself. I believe it will not be denied on the part of administration, that such a Paper was delivered to Dr. Pretyman, and such an Answer was returned by him.

(c) *Copy of* Mr. PALMER'S *Letter to the Right Hon.* WM. PITT. *May 5th* 1785.—SIR,—I had the honour of your letter on my return from Portsmouth, and immediately wrote to the contractor at Nottingham to forward the carriages, &c. Soon as he is prepared, I will obey your commands in carrying the plan into execution on that road.—I have settled the regulations for the Cross Post from hence to Portsmouth; the alteration is much to the satisfaction of the different towns it will accommodate, and it starts next Monday.—They will now have a direct and expeditious post guarded, six times a week, instead of a slow and circuitous one unguarded, only three times a week. The terms with the contractors, merely the exemption from the turnpike tolls, and the allowance of guards, so that government will save the greater part of the old expence.—I had agreed for the London Mail to be conveyed to Portsmouth on the same terms, as the inhabitants had petitioned for the new mode, and were doubly anxious for it, their mail having been robbed a few months ago; but Mr. Todd, instead of sending letters to the postmasters to observe my directions for that purpose, sent the same surveyor who was so industrious to defeat the plan on the Bath road, last Friday only to Portsmouth, to agree with the different postmasters to convey the mail seven miles an hour, for which they are to be paid an extra sum per mile more than the usual charge (This price was 9*l.* per mile instead of the old charge of 4*l.* 13*s.* 4*d.*) which was to commence the very day I came there. I could therefore give the postmasters no direction for that road, Mr. Todd chusing to do this without giving me the least information of his intentions. By this improvement at last, supposing it even to be kept up to, government is at a much higher expence for conveying the mail than even before, instead of saving almost the whole of it. The inhabitants will have only four hours betwixt the arrival and departure of their mail, instead of twelve, as they would have by mine, and it remains unguarded: this he has done without any sort of communication with my agent on the business, though he sees him almost every day, and I believe has fully understood from government, some time past, that the new plan was to be extended over the whole kingdom. Since my absence from town, he likewise has thought proper to suffer an entire alteration in the mode of delivering the letters, so that those by the new plan, instead of being delivered early in a morning, are not delivered till almost too late in the afternoon to send an answer. In this the comptroller is as much or more blameable than himself. In short, they will remain firmly agreed together, to take each their turn to do the Plan all possible mischief. I am sure, sir, if you could be aware how complex a business it is, and how difficult to unravel what (though simple in itself) they have made so perplexed, to teach the postmasters the new regulations, which will enable them to do their duty in a plainer manner and less liable to mistakes, to settle the different parts as I proceed, so as to fit in with the general plan, and suffer no present mischief, involved as you are in such various and greater concerns, you would yet spare a few minutes, I am sure you would, to put a stop to the rascality of that office, and to leave my mind free to pursue my Plan, without having it taken up with guarding against and curing their shameful practices. I want no sort of assistance from them; all I desire is, that they may not be suffered to do injury.—The state of the interior management of the Post Office business is full as bad or rather worse than I stated in the Memorial I had the honour to submit to the Treasury; the mistakes are innumerable, and the daily loss of the revenue very great, nor can it be otherwise on the present system; the remedy for it

" franking by way of tax, were made, from " the suggestions contained in Mr. Palmer's Plan; and that the before-mentioned sum of 1,500*l.* per annum was " granted to Mr. Palmer, as a commutation of his right to the per-centage on

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is even more plain and simple than that for the exterior department; and if you will permit me, I will regulate it in less than a fortnight, to your's and the public's satisfaction, even at a less expence to government than the present mode, and with much more ease to the different officers; indeed the plan cannot be further extended, till I am suffered to establish regulations within the office to fit the new ones without, as the new and old plan now act against each other. Having obtruded thus far on you, sir, with my complaints, I must beg leave to trespass a little further, and have done. It is nearly approaching to three years since I first submitted my plan to your judgment, that you kindly encouraged it, and I attended your commands in town. I have sent a statement of my journies, attendances, &c. to my good friend lord Camden, for your inspection, by which you will see that, exclusive of my expences, almost the whole of my time and attention from October 1782 to the present moment, has been employed in this business; and I submit to your justice, whether the expence actually incurred, prior to the first trial of my Plan, the 2d August last, should not now be paid, and my appointment made out.—Your obliging message by Mr. Pratt, before the trial, that if the Plan did not succeed, I should be fully paid for my expence and trouble, if you recollect, sir, I disclaimed, and chose to sit down in that case with my disappointment and loss, and let my reward rest only on my success.—My time and attention, prior to the trial, I do not recount; though, if I discovered any ingenuity, activity, or perseverance through it, my family might have been benefited by their exertion to other objects.—The success of the Plan, sir, I believe, has exceded both your's and the public's expectation. I am sure it has my own in some points, though not in others, but it has not fallen short in one. A circumstance, I believe, almost as new to administration, in the various plans that are submitted to them as a popular tax, which the Post Tax really is, where the accommodation has been given with it.—It incurred no new expence or inconvenience in the old establishment, even in the trial, but what was occasioned by the opposition from the General Office.—It conveys the Mails in half the time they used to be, and guarded under regulations that will, in a great measure, enforce themselves; and where it has been carried into execution, has immediately occasioned an increase of revenue to the Post Office.—It having been proved, that it is scarce possible for greater neglect or abuses to prevail than in the conduct of the old Post; that, in consequence of it, a great share of the correspondence was carried on by coaches, to the detriment of the Post revenue; that the new tax, coupled with the old plan, would have increased such defalcation, which the statement given into the treasury, comparing the great improvement of the revenue from the tax upon the new, opposed to the old establishment, have been very fully proved.—It was promised in the plan, to give the improved expedition and security to the great roads from London, and some of the cross roads, for the payment of 3*d.* per mile, the allowance for guards, and an exemption from turnpike tolls.—The contracts are now made for the greater part of the kingdom from London for the allowance of guards, and the exemption of turnpike tolls only. Likewise for all the cross posts, six times a week instead of three, so as to make those posts as regular and perfect as the general one.—This accommodation will be given to the public, and the arrival and departure of the mails all over the country will now be regular, expeditious, and safe, on plain, simple, and certain principles, instead of the reverse. It will not only save many thousands a year in the expences of the riding work, &c. but, in consequence of the superior mode of conveyance to any other, add very greatly to the revenue, by the increase of correspondence through the Post Office.—In the progress of this business, I have had every possible opposition from the Office; I have neither spared trouble or expence to inform myself in every department of it, so that I might carry my plan completely into execution, and defeat their repeated attempts to ruin it. I have been perfectly open and kept no one secret from government, or derived one shilling advantage from any contract, but acted in every respect to the best of my judgment to the public; nor can I gain the least advantage from my agreement, till I have completed the plan over the

" 90,000*l.* being the amount of the first " year's produce of the said Tax. The " modification of the original Agreement " consisting in the addition of 90,000*l.* " to 150,000*l.* which was the average " amount of the Post Office Revenue

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whole kingdom, as my per-centage on the increased revenue from the tax, without the accommodation, will not pay the very great expences I am obliged to incur in the establishing it. I have only to thank you, sir, for the very warm and steady support I have received from you in this business, without which, indeed, it could not have succeeded; and to hope, in addition to the rest of your favours, you will excuse this long letter. I have the honour to be, &c. J. Palmer.

Copy of a Letter from Mr. Palmer *to the Right Hon.* J. J. Pratt; *annexed to* Mr. Palmer's *Letter, sent to the Commissioners of Enquiry, May* 21, 1788.—London, Oct. 22, 1788.—Dear Sir;—I beg you will express to Mr. Pitt, in the strongest terms, my gratitude for his very liberal and handsome conduct, and that I hope he will not think me either dissatisfied or ungrateful in wishing you to state a few necessary circumstances to him for the more complete settling of my appointment, expences, &c. Mr. Pitt perhaps may recollect, I am sure I fully understood, that the plan was to be first tried; and if it succeeded, the tax was to be grounded the following year on the accommodation, and that I was to take my per-centage on the improved revenue from such tax, as well as every other improvement and reform mentioned in my letter: [To pay all my travelling expences, to have no salary, but two and a half per-cent. on the net profits that may arise to the Post Office, over and above its present annual profits, from the advantages that may accrue to it from my plan being carried into execution, the increased speed, postage, safety, reform of packets, &c. or from any farther reforms of œconomy, improvements, &c.] But on my seeing Mr. Pitt, ere I left town to prepare for the first trial, and his mentioning the Coal Tax was to be given up, I took the liberty of recommending the Post Tax in its room, pledged myself for the success of the plan, and sent Mr. Pitt the necessary papers; it was adopted, and the expected improvement to be given with it rendered it not unpopular. The 1500*l.* a-year Mr. Pitt is so good as to propose, is a noble offer; yet you are sensible, as I must now remove my family to London, I cannot live there, with the increased expence such an office must create to me, for a guinea less. My per-centage therefore, on every other object of reform or improvement mentioned in my letter, I understand from Mr. Pitt will be fully secured to me. I do not know a fairer way of rating this, than by taking an average net yearly profit on the ten years prior to the tax being laid, then see what addition the year's tax has made, suppose 80,000*l.* or 100,000*l.* or whatever it may be, add that to the other averaged net profit, and my per-centage to be reckoned on the further increased net revenue beyond that sum. In regard to my three years expences up to this time, for I first came to town on it in October 1782, I would submit to Mr. Pitt, whether the simplest and fairest way of settling it would not be thus; I now owe to Mr. Cam, and some bills I have put off the payment of, above 4000*l.* more than I did in October, 1782; the receipts of my theatres indeed being lessened form a part of it, but I impute that to my want of attention to them, as other amusements in Bath, since the peace, have been more profitable than during the war. My family expences have been the same as usual, or rather less, except from this last severe illness of Mrs. Palmer's. Mr. Pitt therefore would not think it right that I should be a poorer man now than I was at that time. Let my salary therefore commence from October 1782, when I was first employed, and that be considered as the payment of all my expences, which have been enormous, and I then receive nothing for my trouble, &c. As these expences have been incurred on account of the Post Office, it will of course be paid from thence. Mr. Pitt will not object to my travelling expences being paid me for the next two or three years, as I must, during that time, visit every office in the kingdom, inspect minutely into them, and settle correctly all necessary regulations, besides establishing the remainder of the General and Cross Posts, and adding new ones; as these expences would swallow up my salary, and the profits on the per-centage can increase only by degrees. Mr. Pitt is sensible of the trouble and anxiety I have had, that I have a great deal yet to do, and the constant attention it will require to make and keep the plan perfect, and the great benefit it is to the country; and will, I am sure, think it just

" at that time, making together an aggregate of 240,000*l.*, on the excess of which " the per-centage was to commence, instead of the previous actual Revenue " of 150,000*l.* as originally proposed." The Evidence on this is equally clear: the original terms acceded to by the minister were " That Mr. Palmer was to have

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that my profits should be such as to set me above temptation, and enable me to lay by a good fortune for my family. I trust therefore to his generosity, that if they should be deprived of me ere I have effected it, he will recommend a proper provision for them, as a reward for any good I may have been an instrument of his giving to the country.

Copy of a Letter from the Hon. J. J. Pratt *to* Mr. Palmer.—Brighthelmstone, Oct. 24th 1785.—Dear Palmer; I gave Pitt your letter; and I think though he does not quite allow all you mention to be a fair demand, that you have reason to be satisfied with what he seems willing to grant; he likes your proposal for drawing the average of the net revenue of the Post-Office for ten years; and afterwards adding the tax, and giving the two and a half per-cent. upon the surplus as you state it. He seems willing to allow that your salary of 1500*l.* a year should commence when he came into office last, which is now very near two years, and he is certainly not accountable for any delay prior to that period; and this I own I think a very handsome offer. With regard to your expences being paid after your salary is fixt, if you remember, I told you you would find some difficulty in carrying that point, and I think it cannot be given, for in your first proposal the 2½ per-cent. was to cover your expences, which would only be considerable for the first year or two, and the improvement on the revenue would amply pay you. The present settlement is only a modification of your first proposal, and I think fairly takes in that part of it. I dare say you will find no difficulty in having it secured to your family, if any thing should happen to you. This business seems now to be drawn to a conclusion. I own, as far as I have been concerned, I cannot think of pressing any thing more. The offer in my opinion is liberal, and the manner in which it has been explained still more so. You will be to consider whether it will satisfy you. Pitt seems to think that the appointment should be such as to secure you against any change of administration. He goes to town on Wednesday, and I think if you were to call or send, he would very likely see you; but if you should not see him then, he comes to stay the beginning of next week. I am sincerely yours, J. J. Pratt.

Copy of a Letter from Mr. Palmer *to the Rt. Hon.* Wm. Pitt; *in Dec.* 1785.—Sir;—I am much obliged to you for your kind declaration of yesterday by Mr. Pratt. Mr. Attorney General is so good as to give you this from me. He sees very clearly the necessity I every day feel more and more of my appointment being immediately made out. I cannot too strongly express my obligations to you, for your wishes to give me every power the law will admit of. Whatever manner you determine, sir, to have it done in for the present, will be perfectly satisfactory to me; but unless it is considered as a permanent one, and if the Post Office can entertain a hope that any arts of theirs may overturn it, I am ruined. I have the honour to be, sir, your most obedient humble servant,

J. Palmer.

Copy of Mr. Palmer's *Letter to Rt. Hon.* Wm. Pitt.—General Post Office, Dec. 30, 1788.—Sir;—I should not have troubled you in the present situation of public affairs, but from the extreme inconvenience I experience in my arrears not being paid up, and the anxiety I feel to have my emoluments finally settled by you, under whose encouragement and sanction I had the honour to commence, and have perfected my undertaking for the improvement of the Posts. I believe it is unnecessary to repeat my engagements; but lest it should have escaped your memory, sir, I beg leave to state, that, if I succeeded, I was to have 2*l.* 10*s.* per cent. on the future encreased revenue of the Post Office for my life from its commencement, and to be paid for my expences and trouble from the time I was first employed, till the plan was suffered to be carried into execution. This sum was to include my salary for every duty of office, my travelling expences, &c. A subsequent engagement was afterwards acceded to on my part, with a view only to my being established in the office, and getting possession of such powers and authority over its officers, as could alone enable me to proceed with effect. In this settlement, I repeatedly requested of the Postmaster General, that I might be allowed to take my appointment for the present with its powers

$2\frac{1}{2}$ per cent. for his life from the commencement of his Plan, if it succeeded; but not a shilling in the event of failure.” This low per-centage was to include every object from which the improved Revenue might arise; and, indeed, it was a leading

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only, and without any emolument whatever. This proposal not being agreeable to their lordships, and as they did not approve of the mode of payment partly by a salary of 1,500*l.* per year, and partly by a per-centage, they commissioned me to propose to you, sir, as a final settlement of the business, to wave my claims to the per-centage altogether, and to receive a salary of 3,000*l.* per year certain. But you, considering the mode of payment originally settled by a per-centage, as the best security for the public accommodation and the revenue, I agreed for the present to take my office in any manner the Postmaster General might think proper; at the same time declaring, I should not desire to hold my appointment if I did not fully succeed in performing all my engagements with you; and if I did, I hoped those entered into with me would be equally regarded; which you was so good as to promise me should be fulfilled when I had completed my plan, and should come forward with my claims. I have the happiness to understand, sir, that my conduct in this business has met your approbation; and I take the liberty to observe, for your further satisfaction, that the contracts for the conveyance of the mails, are now made at 20,000*l.* per ann. less than I originally proposed and engaged for; that I have likewise exceeded my promise in the rate of speed, the regularity and extension of the posts through the whole kingdom; and that particularly to the city of London, the early and regular delivery of the letters is far beyond my promise, or the expectation of the most sanguine of my friends, and even at this unfavourable season. I beg leave therefore, sir, to express my hopes that you will order a payment of such sum as you may think just for my time and trouble, from October 1782 to 1st August 1784, when my plan was first carriedinto execution; that an average be struck of the nett Revenue of the Office up to that time, and that a sum equal to 2*l.* 10*s.* per cent. on its increased annual Revenue be paid me, which is to include my salary, all travelling expences, &c. whatever sums I have received from the Office to be deducted from this account. That in future a sum be paid me quarterly, in a proportion within the supposed yearly amount of my per-centage, and the balance to be paid me every year on settling the accounts in the April quarter. I take the liberty, sir, likewise to propose for your consideration, whether the juster as well as simpler mode of regulating the accounts, and fixing the sum from which my per-centage is to commence, will not be by first stating the gross produce of the British and Foreign postage, and then deducting from it the Postmaster's salaries, payment for conveyance of the Mails either by horse or carriage, for guards, and for dead and missent letters, and the per-centage to commence on the nett Revenue after these deductions, as they are the only charges under my controul; and I ought not to be benefited or injured by an increase or decrease of expence that does not form a part of my plans, and which I cannot check. I hope, Sir, it may not be imputed a vanity in me to mention, that though Mr. Allen (as appears by his narrative) derived upwards of 12,000*l.* per year from his very partial improvements of the Cross Posts only, the regulations I have introduced, independent of their effect on the General Posts throughout the country, have increased that particular branch of the Revenue more in the course of two years, than he did during the whole forty years he farmed the same. It may not be improper to add, that I have long since had in contemplation various other plans, which I conceive to be of the greatest consequence to the correspondence of the kingdom, and more particularly of the metropolis and its neighbourhood, which I should ere now have digested and carried into execution, had the settlement of my affairs left my mind sufficiently at ease for that purpose. I have the honour to be, &c. J. P.

(*d*) *Extract from* Mr. PITT'S *Evidence.*—[Report, p. 26, 27.] WAS a proposal on the part of Mr. Palmer, for the improvement of the Posts, and more expeditious conveyance of the Mails, submitted to you in 1784?—To the best of my recollection it was: the subject had been before mentioned, I believe in 1782, and was brought forward again in 1784.—Do you recollect generally what answer you gave to this Proposal, after having considered it?—No answer was given, that I recollect, in writing, and the subject was repeatedly discussed at different times. I cannot feature in the Plan, that the great advantages which the public and commerce were to derive, would justify an increase of Postage, which otherwise could not have been laid with effect. I believe it may be in the recollection of many gentlemen present, that previous to this Plan, notwithstanding the penalty attached, a great part of the correspondence of the country was carried on by coaches and other means, to avoid the tedious and insecure conveyance by the post. Mr. Palmer, in the first instance, proposed to the minister an increased Postage in lieu of an intended Tax on Coals, and pledged himself for its being productive. When it was found necessary to give him an appointment in the Office to superintend his Plan, this nominal salary of 1,500*l.* a year was given him in lieu of his per-centage on 90,000*l.* being the estimated produce of this Tax, which was added to the previous revenue of 150,000*l.* making 240,000*l.* before his per-centage commenced. The per-centage on 90,000 *l.* would have been 2,250*l.*; therefore, the 1,500*l.* a year was in fact 750*l.* less than the original agreement. But, Mr. Palmer was so satisfied of the ultimate advantages he should procure for his family, that he expressed himself contented with this arrangement, as settled by lord Camden's letter, in which he tells Mr. Palmer, that he is to look to his growing per-centage as an ample payment for his trouble and expence; and that in case of any accident to himself no doubt a provision would be made for his family. [Vide note (*c*)] The Committee next observe, "That the draft of an appointment for "life, with the specified salary and per-"centage according to agreement, was "made out, but not confirmed, to Mr. "Palmer, in consequence of certain legal "objections, arising from the Act of 9th "of Queen Anne, establishing the Post-"Office; but that Mr. Palmer having at "this time partly executed his plan, a "temporary appointment was made out to "enable him to proceed with it." This, I think, cannot be disputed; the Draft of the intended Appointment being in the Evidence, (*e*); and Mr. Pitt's testimony,

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therefore at this distance of time undertake to give any account of any one specific answer, but the general result of what passed I conceived to have been, that the terms of Mr. Palmer's Proposal appeared to me to be fair and reasonable, and that I was desirous of carrying it into execution, conceiving it would be of great public benefit; the outline of those terms, as proposed in 1784, I believe was, that Mr. Palmer should have some appointment for life, to superintend the execution of his proposal, with an allowance annexed to that appointment of 2*l.* 10*s.* per cent. on the amount of the increase which it might produce in the Revenue. The appointment which took place afterwards, I believe in 1786, differed from that which had been in contemplation, and which I had originally intended to have acceded to; the difference was in consequence of legal objections arising from the Post Office Act.—Under such an appointment for life, as you have described to have been originally intended, do you conceive the enjoyment of it could depend on the will and pleasure of the Postmaster General?—If such an appointment had taken place, and could be legally carried into effect, the enjoyment of it certainly could not depend on the will and pleasure of the Postmaster General; and such an appointment, I conceive, could have been vacated on no grounds but such as would, by process of law, vacate any other appointment for life made by competent authority.—By whose authority was the draft of the original warrant made, to which the legal objecting was made? I am inclined to believe, that it was drawn up in consequence of different discussions on the subject, probably in consequence of suggestions from Mr. Palmer; but I rather believe prepared at the Treasury, or by directions from thence, and communicated to the Attorney General, though there is no trace that I know of for preparing it, or for a reference to the Attorney General.

(*e*) *Draft of a* COMMISSION; *being the intended* APPOINTMENT *sent from the Treasury to the Attorney General.* [Report, p. 43.] WHEREAS it has been represented unto us, that the appointment of a fit and proper person, to be Comptroller and Surveyor General of the Revenues of our Post-office in Great Britain, will greatly contribute to the advancement of the same: and whereas JOHN PALMER has been recommended unto us for that purpose, he having invented, and partly carried into execution, a Plan for extending and improving the Posts, and for the more safe, expeditious, and regular conveyance of the Mails within our said kingdom; which has already proved highly beneficial to the trade and

“ that it was drawn up in consequence of the conversations that had passed, and would have been carried into effect but for these legal objections.” [vide (*d*)]—The Report goes on to state, “ That a “ subsequent appointment, dated the 11th “ day of Sept. 1789, was granted to Mr. “ Palmer, under the Postmaster General; “ by which Mr. Palmer was constituted “ Surveyor and Comptroller General of “ the Post Office, with a salary of 1,500*l.* “ per annum, and an allowance of 2*l.* 10*s.* “ per centum, on the future net increased “ annual revenue beyond the sum of “ 240,000*l.*; subjectto a proviso, that such “ per-centage should not be affected, on “ the one hand, by any future grants or “ pensions charged on the Post-Office “ revenue, nor on the other hand, by addi- “ tion rates of postage, or by any diminu- “ tion or increase in the packet expendi- “ ture; and which salary and per-centage “ were directed to take place, and be com- “ puted, from the 2d day of August 1784, “ when the execution of the Plan first took “ place.” Now, sir, I think the house must allow, that Mr. Palmer having made the original Agreement, so fully performed on his part, he would not voluntarily have accepted this subsequent Appointment, so inferior both in powers and profits. But, how was he situated, in consequence of the legal objection to his original appointment, on the faith of which he had undertaken, and partly executed his Plan, and which objection might have been removed by a new act of parliament? Mr. Palmer, to prevent the utter ruin of his Plan by the delay and the inveterate opposition it met with, accepted a temporary appointment from the Treasury to enable him to proceed in the execution of it, leaving the final settlement till he had compleatly fulfilled his engagement, (*f*); and it was

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commerce thereof; we do therefore appoint him, *for and during his life,* Surveyor and Comptroller General of the General Post-Office of Great Britain, with all its connections and dependencies of postmasters, contractors, deputies, accomptants, comptrollers, all surveyors, clerks, sorters, window men, letter receivers, carriers, messengers, and other officers and servants thereunto belonging; giving and hereby granting, for us, our heirs and successors, to the said John Palmer, full power and authority to suspend any such officers or servants for neglect of duty, or of such instructions or directions as they have already received, or shall hereafter receive, from our Postmaster General or the said John Palmer, for the above purposes, as well as for the better conducting the business of the said office. And in order to a due and strict examination of all expences incurred in the management of the said revenues, it is our will and pleasure, that no bills whatever respecting the same shall be paid, till they are examined and signed by the said John Palmer or his deputy, who are hereby authorized and required to call for such accompts, and order the same before them, from time to time, when they shall judge itnecessary. And we having taken into our royal consideration, the good and faithful services of the said John Palmer, for the advancement of our revenue, and the advantage of the commerce and manufactories of our kingdom of Great Britain, by greatly accelerating the conveyance of our mails and packets, are also graciously pleased, as well as a reward for such services, as to encourage him to continue his exertions for furthering the same, to give and grant for us, our heirs and successors, to the said John Palmer, an Annual Salary of 1500 *l.* to be paid to him without deduction or abatement of any sort, out of the revenues of our said Post Office; together with a further Allowance of such sum of money, annually, as shall be equal to 2½ per cent. on the Surplus of the said Revenues, on making up the accompts, at over and above the sum of *l.* which accompts it is our will and pleasure shall continue to be made up, and the balance struck in the same manner as at present, in which, for the purposes aforesaid, no additional pension or charge on the said revenue of the General Post Office shall be included, as a deduction from the net revenue on which the said per-centage shall be calculated, except for salaries and expences actually incurred in the management of the same.

(*f*) *Extract from* Mr. Palmer's *Evidence.* [Report, p. 3.]—How long did that objection of the Attorney General impede the proposed appointment? About a year.—When was any thing more done in this matter? In 1786.—What took place then? I found it so necessary to take some kind of appointment, to give me a power for the further establishment of my Plan, and Improvement of the Posts in Scotland, that I desired for the present they would give me an appointment in not until the year 1789, after the Report of the Commissioners of Enquiry so strongly in his favour, and his letter to Mr. Pitt, entreating the fulfilment of his original Agreement, that he at last received this Appointment, when the arrears of salary and per-centage were paid up after about seven years delay. [vide (*c*)] The difference betweeen the Appointment of 1789 and the original one was this: the original Appointment was to have been held for life, independant of the Postmaster General, giving Mr. Palmer his low per-centage on the improved revenue without any restriction whatever. [vide (*e*)] The subsequent Appointment precluded Mr. Palmer his per-centage on the future encreased postage, which the merits of his Plan might enable government to lay; and, instead of being for life, under the crown only, was made out during pleasure, and under the Postmaster General.—Now, sir, I appeal to this house, if it was possible that Mr. Palmer would have incurred all this trouble, anxiety, hazard, and expence, to place himself at last in the power of his opponents, or at the mercy of any administration who might wish to get rid of a projector after having secured the benefits of his Plan? But, Mr. Palmer, unfortunately for himself, acted with too little reserve at the outset; judging of the integrity of the government by his own, having made the Agreement, he at once laid himself open to his employers, merely asking the necessary powers to fulfil it on his part, relying on their good faith for a similar conduct. On receiving this subsequent appointment after the compleat execution of his Plan; too late to enforce his original terms, he could only complain of the failure on their part, and express his apprehension for the consequence. This apprehension was relieved by the assurance of Mr. Pitt, that he should not be interfered with, that though nominally under the Postmaster General, he was virtually under the Treasury, who would always protect him in the conduct of his Plan, and that his agreement was equally valid as if secured by an act of parliament. (*g*)—The Report continues to observe, "That Mr. Palmer "was paid his specified salary and "per-centage, from 2d day of August "1784, up to the 5th day of April 1793, "according to the aforesaid directions and "provisions of the said Appointment of "the 11th day of Sept. 1789." This, sir, is the Appointment under which the Committee recommend Mr. Palmer to be paid, not amounting to the half of that original Agreement, which they declare him to have substantiated, and of which it was the Opinion of the most eminent Counsel upon this Evidence, that a court of law would have compelled a specific performance, had the bargain been made with an individual instead of the government of the country; (*h*)—The next Observation states,

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any way whatever as to profits, so as it gave me any power to proceed with my plan; when an appointment was given me, Mr. Pitt assuring me at the same time, that my agreement should in every respect be completed to my satisfaction.

(*g*) *Extract from* Mr. PALMER's *Evidence.* [Report, p. 5, 6.]—ABOUT the period of the Appointment of the 11th September 1789, had you any conversation with Mr. Pitt, relative to the powers that appointment conveyed to you under the Postmaster General? I always expressed my apprehensions to Mr. Pitt of the possible interference of the Postmaster General; and the ill consequences that might follow both to the plan, myself, and the public, should it prove so, from the want of those powers agreed to be given me in the commission of 1785. Mr. Pitt assured me, I need entertain no apprehensions on that score, and that my agreement was equally valid, as if sanctioned by an act of parliament.—At the time of your appointment of the 11th September 1789 being made out, did Mr. Pitt give you any assurances, of the protection of the Board of Treasury against any controul or interference on the part of the Postmaster General?—I was assured by Mr. Pitt, that I should feel myself equally protected by the Treasury, as if the Commission in October 1785 had been carried into execution; and there was little probability of any interference to the prejudice of my plan.—Did you ever consider yourself as acting under the controul of the Postmaster General?—No; upon all occasions, where any directions of theirs were not prejudicial to the public service, I acted agreeably to their wishes; when I thought otherwise, I resisted their commands, and asserted my independence of their power or authority, and that I held my office agreeably to my commission of 1785, and virtually under the Treasury.

(*h*) OPINION *of Counsel on the Evidence reported by a Committee of the House of Com-*

"That the salary of 1500*l.* a year having originally been accepted as a commutation for per-centage, is not to be considered as implying the discharge of official duties, and liable to be discontinued with a discontinuance of those duties; but to have been granted to Mr. Palmer, together with his per-centage on the Post-Office revenue beyond 240,000*l.* as a fair and reasonable compensation for his invention, and his risk and trouble in carrying his Plan into effect; and that the advantages arising from it, which have enabled government considerably to increase the postage of letters, agreeably to the principles laid down in his original Plan, are permanent to the public; but Mr. Palmer's advantages must terminate with his life." This is merely the deduction from a former Observation relative to the commutation of the per-centage on the tax estimated at 90,000*l.* by which Mr. Palmer was a loser of 750*l.* per ann. as I have already explained.—The Committee further observe, "That if the appointment, originally promised to Mr. Palmer, and upon the faith of which he stated himself to have undertaken the full execution of his Plan, had been carried into effect, the causes which led to his suspension could not have occurred, as he would then have been free from the controul, and independant of the Post-masters general. And, that Mr. Palmer appears, in all his arrangements, to have paid great attention to economy as well

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mons, as to the Agreement made with Mr. Palmer *for the* Reform *and* Improvement *of the* Post Office *and its Revenue, and as to his Suspension.*—We have perused the evidence contained in the Report of the Committee appointed to consider of the agreement made with Mr. Palmer, for the reform and improvement of the Post Office, &c. and we are of opinion, that by that evidence, the agreement, as insisted upon by Mr. Palmer, is proved; by which as was originally made, Mr. Palmer would have been entitled to the per-centage upon the increase of the then net revenue of the Post-Office; and that by the agreement as after modified, he was entitled to 1500*l.* a year, and a per-centage upon the net revenue exceeding 240,000*l.* a year. And we are of opinion, that Mr. Palmer has fully performed his part of the agreement, much to the advantage of the public. We are also of opinion, (which is indeed impossible to doubt) that if a patent had been granted to Mr. Palmer as originally intended, nothing which has since passed could have deprived him of the benefit of his agreement: because all that is imputed now to Mr. Palmer arises from misunderstandings and disputes between the Postmaster General and him, and which could never have existed if a patent had been granted to him as originally intended, under which he would not have been in any respect dependant on the Postmaster General. We are also of opinion, that though by the appointment which was granted to Mr. Palmer, different from that originally intended, he was made subject to the controul of the Postmaster General, (because by the constitution of the Post Office, as established by act of parliament, no patent could be granted to him, by which he was to act independantly of the Postmaster General) yet there is nothing in the above-mentioned evidence which ought to deprive him of the benefit of his agreement, nor which could in a court of justice have that effect. It is established by this evidence, that the public derived from Mr. Palmer's exertions all the benefit which he had held forth as likely to accrue from them; and that he had acted with diligence and with perfect integrity in the discharge of his duty. And although we do not approve of the letters written by Mr. Palmer to his deputy, Mr. Bonner, which are the grounds for depriving Mr. Palmer of the benefit of his agreement, and we do not mean to say that a subordinate officer in any department ought not to behave with respect to his superiors, we think those letters are far from a sufficient ground to deprive him of that benefit. We also think it very doubtful whether a Court of Judicature would have thought that any attention ought to be paid to those letters, because, they were written in confidence to his deputy, and under an impression (though probably ill founded) that the Postmaster General were unfavourable to him, or from mistake, or misconception, were thwarting or impeding him in the execution of his plan. And we think it appears from evidence, that the deputy who communicated those letters to the Postmaster General, and thus betrayed his private confidential correspondence, was himself worthy of no credit, and acted a very blameable part in the transaction with White, as appears from the report. J. Mansfield, T. Erskine, V. Gibbs, William Adam. 24th April 1799.

"as improvement, and to have acted with "strict integrity, having at the outset of "his arduous undertaking procured the "conveyance of mails at 20,000*l.* a year "less than he proposed, and government "contracted for; and we observe, that in "the four years only subsequent to his "leaving the office, viz. from 1793 to "1797, the excess in the expenditure "amounted to upwards of 145,000*l.* beyond that of the four years previous to "his suspension and during his management."—I shall take this opportunity of defending Mr. Palmer's conduct in the Office, and those private letters the grounds of his suspension; and I most earnestly request the attention of the house to this explanation, as I think it must satisfy the doubts of honourable gentlemen who entertain any on the subject; and I shall rely with confidence in their liberality, in not wishing to persevere in an opinion, should I give them just grounds for altering it. With respect to the consistency recommended by the right hon. gentleman, I think that must operate in favour of the Petitioner, as the only opinion that has ever been expressed by the house of commons on the subject of Mr. Palmer's claims, is the report of the committee which I am now reading. In defending Mr. Palmer's conduct, my chief regret is, in being obliged to state any thing that may be unpleasant to the feelings of the noble lords who suspended him; as I am convinced, however anxious their lordships might have been to be released from a person who disputed and denied their authority over him, it was far from their intention to injure Mr. Palmer in his character or fortune. This conviction proceeds from the evidence itself, in which the noble lords, though obliged to come forward in defence of their own conduct, speak with a warmth of Mr. Palmer's personal integrity, which could only have proceeded from their desire to do him justice in that respect; (*i*) and lord Walsingham, who from the suggestions of others had been led, in many respects, to doubt the merits of the plan, declares to Mr. Palmer in a letter, "That he has well deserved his salary, and per-centage, for which the faith of government is pledged to him." (*k*) Now I should think that such evidence might be conclusive, in which the very person who suspended Mr. Palmer from his office, and who even disputed his services to the public, declares his conviction of the pledge of government, and the incorruptible integrity of the petitioner, a failure in which could alone have forfeited such agreement.—These letters are meant to establish three charges: first, that Mr. Palmer recommended the payment of an exorbitant bill; secondly, that he signed a false account; and lastly, that he created a delay in the delivery of the letters with the view of throwing the blame on the Postmaster General.—The first charge relates to a Mr. Wilson, by whose means, being the principal contractor, Mr. Palmer was enabled to convey the mails at 20,000*l.* less than he had originally proposed and government agreed for. Surely, this fact alone establishes Mr. Palmer's integrity. I believe it is pretty well understood the advantage, more or less, that has been taken by individuals in contracts with government? and had Mr. Palmer been inclined to have availed himself of it, he might have done it in this instance.—During a temporary residence in Ireland, his deputy informed him by letter, that lord Walsingham had been making a most improvident agreement with Mr. Wilson for the establishment of two mail coaches to Cheltenham, for the accommodation of his majesty. I leave the house to judge of the mischief to be apprehended from this interference, by which a set of contractors who, by Mr. Palmer's management, had been reduced to one third of

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(*i*) *Extract from Lord* WALSINGHAM'S *Evidence.*—[Report, p. 29 *and* 30.]—Had you ever any reason to entertain a doubt of the personal integrity of Mr. Palmer?—No; never in the smallest degree. *Extract from the Earl of* CHESTERFIELD'S *Evidence.* Had you ever any reason to entertain a doubt of the personal integrity of Mr. Palmer?—I desire to abide by the answer given by lord Walsingham.

(*k*) *Letter from Lord* WALSINGHAM *to* MR. PALMER, *dated Dec.* 28th, 1787.—[Report, p. 99.] I have long wished to see that point cleared, of your plan costing less than the old one; for I have understood, invariably, that it cost more, but that the benefit overpaid the expence. Be it one or the other, it was a most fortunate regulation, and you will well deserve the salary and commission on the increased revenue, for which the faith of government is pledged to you, Your's, &c. *W.* Read, and forward this to Groves.

their original price, (*l*) were thus tempted to break their engagements with him, in the hope of making more advantageous terms with their lordships. The wonder was, how, after such interference, Mr. Palmer could keep them to his own reduced price; and so far from deserving censure, I think he was entitled to some credit for obviating a difficulty in which he could not be interested but for the public advantage, to which his own bore so small a proportion. The best method he could adopt he did. By his immediate remonstrance he obliged the engagement of one coach only instead of two, thereby saving the half of the intended expence; but knowing the value of Wilson, who had been the first to take those low contracts, which others had refused, Mr. Palmer was anxious to retain him in the concern, and therefore in this letter referred to by the right hon. gentleman, he desires his deputy to tell him, that though he was sensible of the exorbitance of the charge, yet in consideration of his former good conduct, he should not expose him by refusing the payment, and would therefore recommend lord Walsingham to settle it. In fact, his lordship's extravagant order to spare no expence would have justified Wilson's bill in any court of law. But, after all, Mr. Palmer, as stated in the evidence, obtained the abatement of a considerable charge, on account of commission, which otherwise would have been paid. This private letter at the same time expresses a wish to the deputy, that Wilson in his interview with lord Walsingham might give his lordship such a specimen of what he might expect from meddling with persons of his description, as would prevent a future interference so prejudicial to the interests of the public. The right hon. gentleman has denominated this transaction a gross want of economy on the part of Mr. Palmer, who, in one instance, had saved more than 20,000*l.* a year to the public; yet, without imputing to him a wilful misrepresentation, I cannot but complain that he should have formed his opinion upon the mere perusal of this private letter in the evidence, when, if he had attended to Mr. Palmer's explanation, it must have have convinced him of the fact being directly the contrary of what he has asserted; and that Mr. Palmer's only motive in writing this letter to his deputy was for the public good. For, had he wished for a moment to have encouraged this fraudulent charge, as it is called, he had only to have been silent; as, in that case, lord Walsingham must, and would have paid the whole of the bill, from which Mr. Palmer made the deduction above mentioned; and the proof that lord Walsingham would have paid the whole is this, that his lordship made still more extravagant contracts after this period, than this very one which Mr. Palmer, from motives of policy, and to satisfy Wilson, and deter lord Walsingham from further mischief, recommended to be paid. But to enable the house to judge fairly against whom this charge should stand, and what would have been the effects of their lordships contracting generally for the mails instead of Mr. Palmer, I beg leave to state the difference betwixt Mr. Palmer's contract for the only mail coach he agreed for, (I mean for the accommodation of his majesty) and those made by their lordships. The contract made by Mr. Palmer in 1789 for the royal mail, was at the rate of 8*l.* per day; those made by the Postmaster-General, before and after his suspension, were at the rates of 18*l.* 9*s.* 13*l.* 14*s.* 14*l.* 2*s.* and 21*l.* 5*s.* per day, being from double to nearly treble the price Mr. Palmer contracted for; and his thus endeavouring to rescue the public in the best way he could from the imposition was made one of the charges against Mr. Palmer! (*m*) It is lastly, to be observed,

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(*l*) *Extract from* Mr. PALMER's *Evidence.*—[Report, p. 37.]—Is the new mode of conveyance by the mail less expensive than the old mode, and how?—By my first proposal, the conveyance for mails was to have been 3*d.* per mile each way per day, which on £. 4,000 miles, being the number which the coaches travel (as appears by a paper before this committee) would have amounted to £. 36,000 per year. I reduced this charge to 1*d.* per mile, which saved the public £. 24,000 per annum.

Extract from MR. PALMER's *Letter to* MR. PITT, *dated May* 5, 1785.—[Report, p. 46.] It was proposed in the plan, to give the improved expedition and security to the great roads from London, and some of the cross roads, for the payment of 3*d.* per mile, the allowance for guards, and an exemption from turnpike tolls. The contracts are now made for the greater part of the kingdom from London for the allowance of guards, and the exemption of turnpike tolls only.

(*m*) *Extract from* MR. PALMER's *Evidence.*

that the private letter, the foundation of this charge, is dated in October 1788, nearly a twelvemonth prior to his appointment under the Post Master General.—The second charge relates to a man named White, who was employed on the roads, and who kept an account of travelling expences with Mr. Palmer's deputy. On the latter complaining to Mr. Palmer of this man's neglect, and that he could not bring him to an account for monies advanced, Mr. Palmer sent for White, and after taking him to task for his misconduct, desired a Mr. Hasker, the superintendant of the mails, and of these people, to assist this man in the recollection of the various journeys he had performed, and to make out a fair bill accordingly. This was done, and the whole that Mr. Palmer meant by telling his deputy in a letter that "he was glad this "bill was paid as being an aukward bu-"siness," was a mere caution for his future conduct; as however just this bill was, and actually below the sum advanced, Mr. Palmer was unwilling to encourage a precedent liable to abuse, that of allowing the payment of the smallest sum, for which the proper voucher was not produced. (*n*)—But it may well be imagined,

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—[Report, p. 34.] Do you recollect having had any transactions with a person of the name of Wilson, in the Post Office? I do.—State what they were?—During my absence in Ireland, in 1788, on official business, my deputy sent me two of lord Walsingham's letters, authorising two mail coaches a day, for his majesty's accommodation whilst at Cheltenham, to be established at any expence. I disapproved of the very improvident and extravagant mode by which this very proper accommodation was to be carried into effect; and finding on my return Mr. Wilson the contractor much elevated by being allowed to contract with the Postmaster General in a way so much more beneficial to himself than on the terms to which he had been, after much trouble, reduced by me (as I had got the contracts down from 3*d.* to 1*d.* per mile, being a saving of £. 20,000 a year) I refused to sign the accounts of Mr. Wilson, and left him to settle with his lordship, who at first disputed the payment. Thus circumstanced between the two parties, I wrote the letter to my deputy of the 16th of Oct. 1788; for on consideration of Mr. Wilson's other merits with the public, in having engaged in mail contracts which others had declined, and he being then very necessary in the concern, it appeared prudent in me to protect him; and I likewise thought it expedient to obviate the mischief which might again arise from the Postmaster General's interference with the contractors, which appeared extremely dangerous both to the revenue and myself; however, on a meeting with Mr. Wilson, I prevailed on him to make a deduction in this charge for commission; the consequence of this was, that their lordships left me to make the next contract, in 1789, for the Royal Mail, which I did for 2*d.* per mile only, and 150 guineas to two of the contractors for their trouble in conducting and overlooking the whole business. The next coach, in 1791, (I being in Scotland) their lordships contracted for at 1*s.* per mile; the following year, 1792, after my suspension, at 6*d.* per mile; in 1794, at 9*d.* per mile; in 1795, at 1*s.*; and in 1796, at 9*d.*; but the fair way of taking these expences is, for the whole expences of the coaches for each distinct year to be taken together, by which, and from the account before the committee, it will appear that the contract made by me, in 1789, was at the rate of £. 8 per day, and those made by the Postmaster General, before and since my suspension, have been at the rates of £. 18. 9*s.* £. 13. 14*s.* £. 14. 12*s.* and £. 21. 5*s.* per day.

(*n*) *Extract from* Mr. Charles Bonnor's *Evidence.* [Report, p. 30.] Did you receive any letter from Mr. Palmer, relative to the passing the Accounts of Robert White? I have in my pocket a letter from Mr. Palmer on that subject.—Have you any objection to produce that letter?—None; it is dated the 27th of August 1790. Read that part of the letter which relates to this subject?—I will. It is as follows: "I am glad White's Bill is signed, for that was "the aukwardest business before the Treasury." [The Letter shewn to Mr. Palmer, and acknowledged by him to be his hand-writing.]—Did you give White any orders in what manner he was to prepare his Accounts? No.—Did you sign White's Accounts when made out?—No. Was it your custom to sign most of the Accounts of the office before they were sent to the Accountant-General?—It was. —Can you state any reason why you did not sign White's Accounts?—From the moment the Comptroller General suggested the idea of having false vouchers prepared that in the progress of this plan, amidst all the opposition Mr. Palmer met with, and the various description of persons he was obliged to employ on the roads, that many sums might have been charged, of which an exact account could not be kept. But, with respect to the account in question, it was not in fact signed by Mr. Palmer, nor is it produced in the evidence as signed by him; therefore, if there could have been a doubt as to the purity of his motive, no charge was established.—But to prove how little Mr. Palmer could be personally interested in the payment of this bill, and how totally unworthy of credit the deputy who brought forward the charge, I beg leave to read to the house an extract of a letter from the deputy to Mr. Palmer, relative to this subject, contained in the evidence, page 34, to which I earnestly request their attention, this deputy being the only witness upon the next and last charge.—*Extract of a Letter from* Mr. Bonnor *to* Mr. Palmer, *dated June* 1791.—"Another source of great and unquestionable loss to me, attended also with circumstances of embarrassment and perplexity never to be overcome, arose from the depredation committed upon my papers, when my desk and book-case were broke open and rifled, and my red box was stolen away. It is to this event I have to attribute almost all the confusion I have experienced to arise from the want of keeping a regular account of all cash matters; and I may very fairly consider it as the occasion of my losing some hundreds of pounds; for I was in the habit of transacting money concerns with different people about the office, who kept no account at all; and when my account was lost, I was left at the mercy of their ignorance of my fair claims at least, which subjected me to the same alarming consequences that a bad principle in them might have occasioned. I had instances in the adjusting one account only, which are sufficient to confirm my apprehensions, though I do not imagine there was any design to injure me; but in certain periods of White's account, against which I happened to have memorandums of different sums I had advanced to him, there were omissions to the amount of between 300*l.* and 400*l.* and against such part of his account I had no check at all; the sums he had omitted he perfectly recollected when I brought them forward; but he was unable to recollect any omissions but such as I was able to point out, although in certain parts of the Account, the proportionate amount of monies admitted are so out of all comparison below what was advanced for similar periods under the dates, as to do away all doubts as to the omission of articles, to my irretrievable loss, and to a very severe amount; as between the month of Feb. 1787, and March 1788, which was one month only before those papers were stolen, no more than 25*l.* 13*s.* is charged against him, although the usual demand for the months preceding was, upon the average, 25*l.* per month, and the subsequent considerably more, so that at the lowest computation I must be a loser of more than 200*l.*—2nd. In doing this, Sir, I hope I may be allowed, first of all, to suggest, that by making myself responsible, as I hitherto have done, for all the consequences of the loss of official documents, which it was not in my power to prevent, as well as from the various unquestionable advances of cash on your private Account, of which no entry can be shewn, I certainly placed myself in a situation, which, however proper for me to sustain while things were in a progressive state of arrangement, ought not to subject me eventually to the making good to the utmost extent those losses which do not arise from my own personal misconduct, however certain it is that such must be the case to a very severe degree."—The Deputy here confesses, that he only could be, and asserts that he actually was, the loser to a considerable amount by White's neglect.—About two years after this circumstance, upon Mr. Palmer's suspension, White, at the instigation of the Deputy, wrote a letter to the Post Master General, accompanied with an affidavit that these

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for making good deficiencies in the Accounts, I declined being in any respect a party to such a business; and the Superintendant of the Mails, Mr, Hasker, was called upon by the Comptroller General to act with, and instruct White, in the doing it. It was to the Comptroller General, and not to me, that the rough drafts of those Accounts were shewn, previous to their being fairly written out for signature; and the same reason that induced me to decline taking any part of the business was my reason for not signing them when prepared.

Accounts were false. In his Examination before the Committee in 1797, as appears by this Evidence, he expressly states, that this letter and affidavit, (the particulars of which he did not recollect) were drawn up by the Deputy, by whose desire he copied them, and swore to the contents of the latter; that it was from the Deputy himself he received the order to make out the accounts with Mr. Hasker, and that the whole amount had been advanced and laid out in the service, but that, in some instances, from the loss of vouchers, sums had been charged from memory only to make good the deficiency. (*o*) Lord Walsingham on being questioned as to this point declares, "that he has no reason in "that or in any other instance to impute "to Mr. Palmer any private interest of "his own in making up the office ac"counts." (*p*) And this Charge was considered altogether as so frivolous, that Mr. Hasker himself, the agent in this business, and who attended the Committee for the purpose of being examined, was not even called upon, but has continued in the Post-Office to this day, and whose salary, with that of various other officers, were considerably raised after Mr. Palmer's suspension, though he had endeavoured in vain whilst in office, to procure them a trifling addition to their incomes. This, indeed, was one of the chief grounds of dispute with the Post-masters General; for instance, this Mr. Hasker's salary was originally 100*l.* a year, Mr. Palmer applied repeatedly for an addition to it of only 50*l.* a year without effect; but, before he had been dismissed from the Office a twelvemonth, Mr. Hasker's salary was raised from 100*l.* to 700*l.* a year.—The last Charge relates to the delay in the delivery of the letters. With respect to this, it has been contended by Mr. Palmer's Counsel, that his private letters would not be received as evidence in a court of justice; but, I wish not to stand a moment on this ground, and am ready to admit these letters, however unworthily betrayed. All I contend and mean to prove is this; that they bear no relation to the fact they are meant to substantiate. I am ready to allow that these letters at the moments in which they were written shew a desire on Mr. Palmer's part, not to create, but rather to encourage an existing and growing neglect amongst the subordinate officers, the consequence of the disputes betwixt their superiors, probably conceiving at such moments no other remedy than bring-

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(*o*) *Extract from the Evidence of* ROBERT WHITE. [Report, p. 13.]—WHAT are the contents of the affidavit which you took before the Lord Mayor?—Respecting Accounts belonging to the Post Office.—What are the facts contained in the affidavit?—Relating to nothing else but the Accounts, which are travelling and incidental expences.—What did you swear in that affidavit about those Accounts?—I do not recollect the particulars; the letter stated the particulars.—What was the general effect that you swore about the Accounts?—Respecting the accounts, by order of the Comptroller General and his Deputy; made out the Accounts according to their order.—Did you say in that affidavit, whether the Accounts were true or false?—They were made out to cover a deficiency of a sum advanced.—Who advanced the money you speak of?—The Deputy Comptroller General; I suppose on account of the Comptroller General; but that I cannot say.—Who ordered you to make the Accounts out?—The Deputy Comptroller General.—Who told you how to make them out?—Under the direction of Mr. Hasker.—What was the occasion of the deficiency in your Accounts?—Through Vouchers being mislaid, in many instances, and lost.—Did you charge the money in those Accounts, the Vouchers of which were lost?—There may be articles charged in the Accounts from memory only.—Did you charge any articles which you do not remember to have paid, although you had lost the Vouchers?—No.—How came you to write a letter to the Post-master General?—By the directions of the Deputy Comptroller.—How came you to make an affidavit?—By the same direction.—Who told you what to write?—The same person.—Who wrote the letter?—Myself.—Who saw it before you signed it?—The Deputy Comptroller General.—Who told you what to swear?—The same person that drew the affidavit up.—Who drew the affidavit? The same person.

(*p*) *Extract from Lord* WALSINGHAM'S *Evidence.* [Report, p. 28.]—COULD Mr. Palmer's personal interest be at all affected by the settlement of White's Accounts?—I have no reason whatever to impute to Mr. Palmer, in that or in any other respect, his having any private interest of his own upon the making up of the Office Accounts.

ing this disorder to its crisis. But, as Mr. Palmer states "these were only transient "thoughts which seldom outlived the day, "and were never, upon any occasion, act-"ed on;" nor is there a single passage throughout these letters to prove the contrary. The last of them, extracted from a long and confidential correspondence, drawn from Mr. Palmer at moments of irritation which I believe few tempers could have withstood, is dated in October 1790; and during the whole of this period, not the slightest complaint appears to have been made on the part of the public or the Post-masters General. The actual delay took place in 1792; and, with the exception of these private letters, the last of which was written nearly two years before, the Post-masters General confess that they have no other Evidence to prove this charge than the bare assertion of the Deputy; (*q*) and I appeal to the house if any credit should be given to such testimony. But, sir, I shall go further, and prove who did create this delay, that it was the sole act of this very Deputy, by establishing a check upon the charge-takers in the Office, as explained in the following Minutes betwixt the Post-master General and himself, contained in the Report, p. 100.—*Minute of Post-master General—General Post Office, March* 11, 1792.—"The Post-master General desire "to know whether Mr. Bonnor has, or has "not, taken off the cheques which had been "recently imposed, and which the Post-"master General never saw till they had "been carried into execution, and which "they have as yet given no orders to re-"move. If these cheques do essentially "delay the deliveries, Mr. Bonnor is at "liberty to postpone them; but if they "do not, and will answer the effect that "was intended by them, they should by "all means be continued. *W. Ch.*"—MR. BONNOR'S *Answer. General Post Office, March* 13, 1792.—"One only of the new "cheques has been discontinued, and that "is the cheque on the Charge-takers. The "time lost by it was very considerable; "but that loss of time proceeded not from "the operation of the cheque itself, but "from the ignorance and incapability "of some of the Inland Officers, whose "deficiencies it has been the peculiar "merit of this cheque to detect, &c."—It here appears, that this check which had been removed was the sole cause of this delay, and this at once explains the difference betwixt the delivery the week before and week after Mr. Palmer's suspension on the 7th of March, as stated by the Postmaster General.—But, I should have observed, that these letters were not the grounds of Mr. Palmer's suspension, but of its continuance. The nominal ground of suspension, was merely the refusal of the key of his door to his deputy whom he had suspended, and who on being restored to his situation by the P. M. G. came to demand his key in an impertinent manner, after the hours of business, without producing their lordships authority. All this is explained in the evidence, and that Mr. Palmer did deliver up the key the moment it was properly applied for. (*r*) However,

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(*q*) *Extract from the Earl of* CHESTERFIELD'S *Evidence.*—[Report, p. 9.]—WHAT other proof had your Lordship, except the declaration of Mr. Bonnor, that the late delivery of letters was occasioned by Mr. Palmer?—We had at that time no other proof.—What proof had your Lordship, except the declaration of Mr. Bonnor, that Mr. Palmer wished to throw the Post Office into confusion, and to attribute the cause of such confusion to the Post-master General?—Mr. Bonnor being called upon to prove the assertions he had made, furnished the Post-master General with the letters I have now in my hand.

(*r*) *The Report of* THOMAS LLOYD, *First Clerk in the Comptroller General's Office in the General Post Office.*—[Report, p. 65.]—Who saith, that between seven and eight o'clock in the evening of Tuesday the 6th of March 1792, Mr. Bonnor, the Deputy Comptroller General, called at the Comptroller General's Office and enquired of this Informant, if Mr. Palmer, the Comptroller General, was within—that this Informant answered, that he was; and thereupon Mr. Bonnor desired this Informant would immediately wait upon Mr. Palmer, and desire him to send the key of his (Mr. Bonnor's) room, in the said Comptroller General's Office. That this Informant accordingly waited upon Mr. Palmer, and delivered the said message; to which Mr. Palmer replied, that he should not send Mr. Bonnor the key he required; and desired this Informant further to acquaint Mr. Bonnor, that unless he immediately left the office, he (Mr. Palmer) would send for a couple of constables to shew him the door; which message this Informant immediately delivered to Mr. Bonnor; who thereupon went away. (Signed) sir, the house may well suppose that a trifle like this was not the real ground of rupture; but the disputes betwixt the Postmaster General and Mr. Palmer, which had continued so long, had at last arrived to that extremity, it was impossible they could go on together. He was continually denying their authority, and remonstrating with them and with the Treasury upon their interference to the prejudice of his plan; their lordships on their part, naturally jealous of their own power, and having a better opinion of their talents for business than Mr. Palmer gave them credit for, chose to act upon that opinion, and not to be considered as cyphers at the head of their own department. How far it might have been for the advantage of the public, that their lordships had been content to leave Mr. Palmer in the management of his plan, is not for me to determine; but I think it natural to suppose that a man like him who had invented and brought this plan to bear amidst the almost insuperable difficulties that surrounded him, was more likely to preserve and still further to improve it, than noblemen whose habits in life were not calculated for the business; who on coming into office, had to learn that business from their own subordinate officers, the old enemies of the plan, and who were so liable to be displaced before they could attain any competent knowledge of it, that in the space of only six years, there were eight different Postmasters General to conduct the various and complex branches of this extensive concern. Without detaining the house by reading them, I would ask any hon. gentleman who may have seen the Postmaster General's minutes contained in this evidence, if it was possible Mr. Palmer could proceed in the improvement of his plan with such interruption? And yet these minutes were selected from numberless others in proof of their lordships anxiety not to impede him; I would refer to the deputy's opinion of these minutes, expressed on the margin of one of them. (*s*) What possible interest could

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T. Lloyd. Chesterfield House, March 7th 1792. Witness, James Lambert (in the absence of the Solicitor).

Copy of a Letter from Mr. Lambert *to* Mr. Palmer, *dated 8th March* 1792; *together with a Minute of the P. M. Gl. dated 7th March* 1792.—[Report, p. 91.] Mr. Lambert presents his respectful compliments to Mr. Palmer; has received the favour of the note, but not in time to wait on him before ten o'clock. He therefore takes the liberty of sending Mr. Palmer the enclosed minute of the P. M. Gls. and if the bearer should meet with Mr. Palmer at home, the key may be delivered to him.—Mr. L. is sorry to be the bearer of a disagreeable message, but it was not in his power to avoid it.—If Mr. Palmer should have any objections to give up the key, he will be pleased either to state them in writing, or Mr. L. will wait on him at any hour Mr. Palmer may appoint. *Gray's Inn, 8th March* 1792.

(Minute.) The Comptroller General is hereby directed to deliver immediately to Mr. Bonnor, the Deputy Comptroller General, or to Mr. Lambert, Solicitor to the Post Office in the absence of Mr. Parkins, the key of the Deputy Comptroller General's room. *W. Ch.* The key was delivered immediately to the messenger who brought Mr. L.'s letter. *March 7th,*—92.

(*s*) *Minute of the Postmaster General; with* Mr. Bonnor's *Remarks.* [Report, p. 99.]—*General Post Office, August* 4, 1791. The great object which the P. M. G. had in view was, to justify themselves, and not to censure others, but expose the impossibility of the Comptroller General's Clerks being under the necessity, by their lordships' Minute, of doing the duty of messengers, and of the business of the office being interrupted by Mr. Bonnor's doing the duty of the Clerks. One of the rules which Mr. Bonnor lays down is a bad one; viz. "in all cases where the P. M. G. assert or direct a thing, he is to pay the most implicit deference to it, and enforce it immediately, waving at once all opinion of his own, &c."

Mr. Bonnor's *Remarks.* "There is no "replying to this without risking a quarrel; "but in this part of the P. M. Gl.'s ob"ject, their lordships must understand by "the D. C. Gl.'s last Minute on the sub"ject, that they failed completely."

On the contrary, it is the P. M. G.'s constant desire, and was so stated in the first Minute which their lordships ever made in August last; viz. "that every person should represent against the impropriety or inexpediency of any order the P. M. G. may give, as their lordships will be as ready to revoke it, as they can be to give it, if it is fraught with any material objections;" therefore Mr. Bonnor is to understand that the P. M. G. are always willing and desirous to receive all necess-

Mr. Palmer have in quarrelling with their lordships? Had they let him alone, he never wished to interfere with their patronage or power. These very private letters, the only pretence that has ever been set up for his dismissal, prove that he would have agreed with them had it been possible. What does he say in one of them? (The hon. gentleman here referred to the letters in the Report, p. 60.) "I really have always felt that every material alteration should have their sanction, but that it is impossible with lord Walsingham to do this." Again, in another letter, "Though the conduct of the lords is the very thing I ought to wish, and must end well, yet it revives old quarrels and feelings, and fevers me in spite of myself? d—n them, I never can get a little quiet or bathing but this is the case." Can any thing picture his real feeling and regret at these disputes more strongly than this, for there can be no doubt of his sincerity here, as he little thought at the moment, the use that was afterwards to be made of these letters? Can it be wondered that he should have thus confidentially expressed his resentment at their lordship's conduct, when to their very faces he denied their authority? And should no allowance have been made for those feelings at seeing his reputation, his fortune, and the public interest thus sacrificed, by the wanton and vexatious interference of a power he had never been taught to acknowledge, and which was totally incompatible with the nature and terms of his agreement in undertaking a plan for the success of which he was wholly responsible? (*t*) And here I

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ary information upon the points about which they are giving direction. The P. M. G. are utterly at a loss to know, after the quotations they have made from their Minutes, where is the positive order "not to employ a substitute for Crompton," as Mr. Bonnor knows the order was the direct reverse; viz. that the Comptroller General was expressly allowed a substitute, only he was to take him from the messengers, not from the letter carriers.—Mr. Bonnor's *Remarks.* "This would employ more time than the whole of their official duty requires; to represent, to vindicate their representations; to produce proofs; maintain arguments, in 9 out of 10 of which, though right, they would be obliged to yield; and 9 out of 10 of the points disputed, not worth saying 3 words about, or bestowing 3 minutes upon; and so create fresh correspondence and fresh disputes."

Whenever Mr. Bonnor discovers oversights or errors in the P. M. G.'s Minutes, of which there are probably many, he should always point them out; sometimes they arise from miscopying, oftener perhaps from real mistakes, but never deliberately or intentionally. The P. M. G. observed, that no messenger was allotted to any other officer but the Comptroller General: in answer to which Mr. Bonnor cites Mr. Commins, the Chamber-keeper, whose duties are all domestic, and certainly not those of a messenger, for he is to keep the door, the stationary, the coals, to overlook bills, to pump the well, &c. therefore that is no case in point.—Mr. Bonnor's *Remarks.* "It certainly is strictly, unless Mr. B.'s Statement of his duties is erroneous, which the P. M. G. does say is the case."

The Comptroller General was distinctly allowed any one of the messengers to be in waiting, vice Crompton, and they were to be exempted from all other duties during that time, for which see the words of both Minutes; and if Mr. Bonnor had applied to any one of the extra messengers, they probably would have undertaken it without much reluctance. If the misconception was accidental in Mr. Bonnor, it was by no means blameable; but no man who reads the P. M. G.'s two Minutes can say, that the business of the Office was interrupted by their lordships refusing to the Comptroller General the substitute he wanted in Crompton's stead. *W. Ch.*

(*t*) *Extract from* Mr. Palmer's *Remonstrance to the Treasury, January* 6, 1796.—Although it does not seem necessary to justify my subsequent private conduct, in order to support my previous legal claim, yet I am far from wishing to appear capable of disrespect without provocation, and I trust it will be allowed that my feelings have been severely tried; for in the first instance, the unmerited opposition experienced to my Plan from all branches of the Post-Office, and the impossibility of conducting it, *if controuled,* made me naturally jealous of every interference; but this disposition was wearing away, and I entertained the hope that former animosities would cease. This hope was considerably supported by the growing attention and confidence of the successive Postmasters General, till the appointment entreat the house to allow me to read one letter only from Mr. Palmer to the Postmasters General, which I think is but fair after the exposure of his private correspondence. The letter I mean is dated in October 1790, during the period of these

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of lord Walsingham, who frequently wrote to me for official information, and expressed opinions very flattering both to myself and my Plan, and among many others, I received from him the following note, viz. "*December 28th*, 1787. I have long wish-"ed to see that point cleared, of your "Plan costing less than the old one, for "I have understood invariably, that it cost "more, but that the benefits overpaid the "expences. Be it one or the other, it "was a most fortunate regulation, and "you will well *deserve the Salary and Com-"mission on the increased Revenue, for which "the faith of Government is pledged to you.*—"Yours, *W.*"—In answer to this note, I sent his lordship such information as might have completely satisfied his mind on the subject, though the accounts under his own controul, if properly examined, must have rendered any explanation, either from myself or others, unnecessary; and surely those documents only should have satisfied him on a point which involved the most material interests of the office under his inspection. While these friendly communications were passing, the Commissioners made their Report respecting the Post Office, in which so much commendation is bestowed on my plan and conduct. Lord Walsingham, having procured this Report, previous to its appearing at your lordships' board first communicated the contents to the old officers; and then, after taking every clerk out of my office, to Windsor, kept them at an inn there for near three months, at the public expence, and loss of their services, in order that they might privately copy the Report; and when I requested of him a perusal, or such information as related to myself, it was not only refused, *but my own Clerks declared themselves laid under strong injunctions by his Lordship, to keep the matter perfectly secret from me.* These circumstances naturally created a desire for investigation; and I afterwards discovered that, notwithstanding his Lordship's apparent friendship, and although nothing appeared inimical to any other Officer, yet the following Notes were inserted in the margin, in his own hand-writing, respecting myself and my Plan, viz. Where the Report mentions "The improvement "of the Revenue by my Plan, and declares "my merits," Lord Walsingham remarks —"*There is no proof of the improvement of "the Revenue, the expence exceeds the former "by 18,000l. per year.*" Where the Report says, "By which the correspondence "of the Kingdom is improved, and the Re-"venue increased,"—his Lordship writes "*Not so.*" To the Commissioner's Declaration, "That they had examined with "great attention the numerous documents "and information furnished by both par-"ties"—his Lordship wrote, "*No documents in opposition to the measure produced.*" On the Commissioners' further remarks, proving the Plan and its effects beneficial, his Lordship wrote, "*Nothing like it.*" Where the Report notices the great defalcation of the post, previous to my Plan, by Letters and Packets going by Coaches, and that they had been sent by post since the reform—his Lordship wrote (what the acknowledged superior speed of Mail-Coaches must have rendered improbable) viz. "*Many Merchants' Letters are now "sent as Parcels by the Flys and Diligences.*" And where the Commissioners say, "Un-"der these circumstances we are of opi-"nion that Mr. Palmer is justly intitled to "the compensation he claims, being a "very small part of that Revenue which "his integrity, activity and zeal have "created, exclusive of the numerous ad-"vantages accruing to the public and com-"merce,"—his Lordship wrote, "*Not a "word true.*" Now, my Lords, these remarks, made on the Report from which your Lordships were to learn the state of the Post Office, and the merits and claims of its Officers, evidently tended to deprive me, clandestinely, of a certificate, on which, in a manner, my title to the reward for which I had been years labouring, and on which all my prospects depended. It is to be observed, that they were made by his Lordship, when apparently my friend, although not only Office documents and accounts, but those furnished by me, and not objected to by him, would then, and will now, ascertain, beyond the possibility of refutation, that the Report, which has never since been questioned, was true, and his Lordship's doubts and contradictions groundless. As another of the numberless instances of Lord Walsingham's want of candour, I must refer to the dispute which arose respecting my projected improvements of the Scotch Post, which disputes, being a strong remonstrance on their conduct. I beg to observe that there are two copies of this letter in the evidence, lord Walsingham having complained that the one produced by Mr. Palmer did not contain the whole of the original as pro-

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his supercession of my powers in that kingdom completely stopt. The Postmaster General having, after this dispute, sent a Letter to Mr. Pitt, containing charges against me, on my challenging them to fix a single blot on any part of my conduct: I was desirous of answering these charges, but prevented by assurances from the Postmaster General, that the Letter was merely private, and would be thought no more of; I was likewise to experience in future no more vexatious interference in my executive department. However, Lord Walsingham's conduct soon revived the disputes, and I was afterwards much surprized to find that this *private Letter* had been entered up as a *recorded accusation against me in the Office Books, without giving me an intimation on the subject, or an opportunity to answer it.* I appealed to your Lordships, desiring to be heard, as well respecting these charges, as the injuries sustained by the impediments to my Plan; but the Letter having been addressed to Mr. Pitt, and not to the Board, no official answer could be received. I was therefore under the necessity of sending to the Postmaster General, the Minutes entered in Appendix [No. 9.—here, following] urging a regular production of the charges, and full investigation of my conduct; and likewise, that such resolutions might be entered at your Lordships' Board, as might secure my proceeding with safety to myself, and advantage to the public. This offer was declined, and no attempt made to substantiate the charges, but again a line was proposed to be drawn between us, and again delayed till the Postmaster General took an opportunity of ending the matter by my suspension, without assigning any specific charge; and I am confident, that if assigned, it would merely have been such as might have endangered the loss of a patron to an officer whose sole claim depended on patronage, but could never have been sufficient to do away *rights acquired by specific agreement, and past services.* MINUTE *referred to in the above Extract.—Comptroller-General's Office, April* 14, 1791. THE Comptroller-General informs the Post-Master General, agreeably to the declaration they have before obliged him to make to them, that he considers his commission as held under, and himself *responsible ultimately to the Lords Commissioners of his Majesty's Treasury only, by his agreement, as well as by their warrant of appointment, originating with them.* He has informed their Lordships, his motives for not answering several of the Post-Master General's minutes, which he trusts cannot but be satisfactory to them. The same reasons will prevent him from answering any others their Lordships may send, but such as appear to him absolutely necessary. He is anxious, that their Lordships may not consider this conduct as meant in the least disrespectful to them. *It arises from that regard every individual has a right to pay to his own interest, peace, and character.*—From a conviction, that it is impossible for him to proceed to necessary and extensive improvements in the correspondence of the kingdom and its Revenue, or to preserve those he has already carried into execution from ruin under his present powers—*from this conviction only, he claims from Government those powers originally promised him.*—The Comptroller-General is informed, that the Post-Master General's Letter to Mr. Pitt, does not come officially before the Lords of the Treasury; and that there would be an impropriety, as the matter stands at present, in the Comptroller-General's answering it to the Treasury, though its having been entered on the Post-Office Books makes it an official charge against him. That the properest method to be taken, will be for the Post-Master General to address it to the Lords Commissioners of his majesty's Treasury; and at the same time to send with it copies of all other Letters, or Papers, that may have been entered on the Books, since the Comptroller-General's first appointment, that may accuse him of misconduct, or in which any doubt may be expressed of the merits of his Plan, the expence of its establishment, and the conduct of it. Its effects on the Revenue, and the injury or advantage it may be to the Public, or wherein Government may have been deceived, and led into the making an improper agreement with the Comptroller-General, and in what parts the Plan may have failed in the expectations held out to the Public, as well as the Lords Commissioners of his Majesty's Treasury.—These, with all other observations their Lordships can make, together with all information they can gain from their old, duced by his lordship; I therefore beg leave to read the whole of this letter, to satisfy the house that Mr. Palmer had no motive in omitting part of it but to save unnecessary trouble to the reader.—*Putney Oct.* 12, 1790.—"My Lords; I am concerned your lordships attempt to supersede my commission; and the ill effects which I apprehend may arise to the correspondence of the country, from your further interference with my regulations, oblige me to apply to the minister for his accustomed support, by whose warrant I received that commission, and to whom only I consider myself responsible for my conduct; for though I am nominally under the Postmaster General I am virtually under the Treasury.—The original warrant, which I have the honour to inclose your lordships, will shew you, that it was intended I should hold my office under the crown, and not the Post-Office, for reasons too obvious to the minister. This warrant being submitted to the opinion of the Attorney General, he advised, that, according to the present constitution of the Post-Office, my employ could be legally held only under the Postmaster General, by a warrant from the Treasury, directing them to grant such appointment, with the powers expressed in it. It was therefore made out in the manner I now hold it, as a matter of present necessity. Your lordships therefore venturing to supersede a commission granted me under a warrant from the Treasury to former Postmasters General, for services the Lords Commissioners had expressed themselves so partial to, and under such particular circumstances, as will appear by the inclosed Treasury minute; contradicting too the orders given by them in consequence of their circular letter to all Postmasters in the year 1785, has, I think, been rather a hasty and ill-advised measure, and not consistent with that judgment and temper which usually guide your lordships' conduct. No man, I am sure, in this kingdom is more sensible than I am to the necessity of proper subordination, or to the respect due to the nobility of this country, or has higher obligations to them; and I am sure I cannot give a stronger proof of it, than in still retaining my respect and esteem for your lordships, after the very unhandsome and unprovoked conduct you have used towards me. Both your lordships, on accepting your appointments, knew my situation in the office, and found me in the uncontrouled exercise of the powers the warrant from government had directed to be given me; your lordships have an undoubted right, if you saw me at any time, proceeding wrong, or any ill effects arising from my conduct, to report it to the Trea-

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est, most experienced, and confidential Officers, will be necessary to accompany the said Memorial. The Comptroller-General, therefore, requests their Lordships will have the goodness to send the above Papers as early as they conveniently can, for the information of the Lords of the Treasury, *that he may be enabled to answer them as soon as possible.*—Their Lordships remark, that his second question was meant for insult, obliges him to say, that such meaning was, and ever has been, very distant from his thoughts towards their Lordships; his disposition being as little inclined to give an insult, as to put up with one.—Their Lordships will be sensible, he could put the question in no other shape to them, when they recollect, *on every occasion, where an increased price has been demanded for conveying the Mails by a Cart, such demand has been at once invariably complied with by their Lordships; but when required for the conveyance by a Coach, and their Lordships have been assured that the terms were even less than the Mails could be conveyed for by a Cart on the same Road;* though twice informed of this by the Comptroller-General, and pressed by every reason he could urge, why such demand should be immediately complied with, and the ill consequences of delay pointed out, yet their Lordships thought proper to refuse such payment, without permission being first obtained from the Treasury, and chose to protract the application for such payments for near three months.—The Comptroller-General knows of nothing in his department, which has at any time whatever called for their Lordship's interference; the ill consequences arising from their Lordships so frequently taking upon themselves to intermeddle in the management of his plan, he has too often experienced; of which the lords of the Treasury *as well as the Public, will be fully informed in his Memorial to their Lordships,* which will accompany his answer to the Post-Master General's Letter to Mr. Pitt, or to the charges against him, which their Lordships may send to the Treasury. J. P.

no part of this Evidence stated that which is not strictly true. Upon this excess in the expenditure, I shall beg leave to read his own words. The question to Mr. Palmer is, "What has been the excess in the "expenditure in the General Post-Office, "during the period of your suspension, "beyond the average during the period of "your management ?—*A.* 187,848*l.* in the "whole."—I must here observe, that the Committee, not being aware of the period of Mr. Palmer's management, took an average of the four years previous and subsequent to his suspension, which makes the amount of 145,000*l.* stated in their Observation. The next Question is as follows; "Do you mean to say, that if you had "continued in your situation of Comptroller General in the Post-Office from "the period at which your suspension took "place till the present time, the Post-"Office revenue would have been benefitted to the amount you have just stated ? "—*A.* In answer to this I beg to observe, "that in the execution of the various plans "I proposed to government, when left to "my own judgment, I have not failed in "one, and have invariably completed them "at less expence than I had proposed. "The accommodation and revenue like-"wise have turned out greater than I had "promised; looking therefore to the "great expenditure in the establishment "of my Penny-Post plan, since my sus-"pension, so much beyond what I had "proposed, and pledged myself not to "exceed, in that petty branch of the "posts, as well as from other circum-"stances, I have no scruple in declaring "that, had I been in the controul of the "expenditure of the Post-Office, I do in "my conscience believe a very great part "of the sum of 187,848*l.* would have been "saved to the public. I beg likewise to "add, that I am not conscious, on any "occasion whatever, of having appro-"priated one shilling of the public reve-"nue to my own use, or connived at such "improper conduct in others; or of ever "having received the least compensation "for any office, contract, or benefit I have "obtained for others, or that I have ever "made one bargain or regulation that has "not been beneficial to the public, or ever "had even a thought, or used an expres-"sion, that was not ultimately meant for "the public good."—Their lordships, who were present, fully admitted the latter part of this statement, but denied the former relative to the excess, and promised to bring further Evidence to rebut it; but after the Committee had been kept open some days for this express purpose, their lordships declared, that they had nothing further to produce; and the Committee closed with this assertion of Mr. Palmer's, which has remained uncontradicted to this time. However, I must request to state one fact to justify Mr. Palmer with the house in the opinion he gave on this point, and especially as it was brought forward by their lordships themselves in proof of their good management of the office after his suspension.—Lord Walsingham states in the Evidence, that after Mr. Palmer's suspension they carried into effect a new Penny-Post plan which he had refused to submit to their judgment, and that the gross revenue had encreased from 11,000*l.* to 29,000*l.* a year. The following is Mr. Palmer's explanation of this improvement in the Evidence, "*Q.* "Did you any time suggest a Plan for the "reform of the Penny-Post Office ?—*A.* "I did, and to this effect; I offered to the "Board of Treasury, about the autumn of "1791, as I had before done to the Com-"missioners of Enquiry, to take a farm of "the Penny-Post Office for my life, at a "rent equal to the highest net Revenue it "ever produced, as a full compensation "for my general plan and the execution of "it, and in satisfaction for my salary and "per-centage. This offer being declined, "I afterwards proposed that the additional "expence of this reform should not ex-"ceed, at the utmost, 4000*l.* per annum; "whereas the excess, over and above the "former expence, has now amounted, as "appears by the account now before the "Committee, to 16,000*l.* per annum, and "the net increased Revenue, instead of "equalling my salary and per-centage, "has only amounted to about 1,600*l.* per "annum over and above the former pro-"duce previous to the reform, notwith-"standing the additional tax, which I "think must of itself have amounted to 2 "or 3,000*l.* per annum.—" I will not fatigue the house by enumerating the various other instances in which the public have suffered by a want of management on the part of the Post-master General, but solicit their attention to the following statement in proof of the injury the Post-Office Revenue must have sustained by Mr. Palmer's dismissal.—On examination of the Account of the gross and net produce of the Post-Office from the year 1723 to 1808, as laid before this house, by deducting the net produce of each year from the gross, which leaves the expenditure, it will be seen, that during the ten years previous to Mr. Palmer's Plan and his coming into office, viz. from April 1774 to 1783 inclusive, the expenditure had gradually encreased 100,000*l.* a year, the average expence of these ten years being 209,176*l.* a year. The average expenditure of the following ten years during Mr. Palmer's management, viz. from 1784 to 1793 inclusive, was 209,061*l.*; so that Mr. Palmer not only at once checked this vast growing expenditure, but even somewhat reduced it below the previous average; notwithstanding the great additional expence incurred by his Plan in conveying the mails seven times a week to above 400 towns, which either had only a three day post or no post at all, and the encreased salaries to Post-masters, whose duties were thus doubled; and with this disadvantage too; viz. that the last of these ten years (the year 1793) was during his suspension; the expence of which was above 17,000*l.* beyond any of the previous years during his management. In the ten years subsequent to his dismissal; viz. from 1794 to 1803, the expenditure encreased to 339,596*l.* being an excess of 130,535*l.* beyond the average of the former ten years; and the expenditure of the four last years, viz. from 1804 to 1807 inclusive, has still further encreased to the sum of 418,367*l.*, being an increase of 209,306*l.* a year beyond the expence of Mr. Palmer's management. Thus, though Mr. Palmer, after the compleat establishment of his Plan, left the Post-Office with a less expenditure than he found it, that expenditure is now more than doubled, amounting to an excess of 2,000,000*l.* since his suspension, and an annual encreased charge of above 200,000*l.* The Revenue has, indeed, encreased to a great amount; this, however, has not been the result of any new improvements, but has arisen from the extension of the Plan and the mere increase of postage, which could not have been laid but for the benefits resulting from it; but the encreased postage on letters does not encrease the expence of their conveyance, and Mr. Palmer therefore feels warranted in asserting, that a very great expenditure must have been unnecessarily incurred. In making this statement, I mean no reflection upon the Officers in the Post-Office, more especially the gentleman who has been alluded to, at the head of that department under the Post-master General, being an old and esteemed friend of Mr. Palmer's, who was introduced by him to the office long before the appointment of the Postmaster General in question, and who was selected by their lordships as the fittest person to succeed Mr. Palmer; though they were far from countenancing him whilst Mr. Palmer was in office.—But, without wishing it to be understood that no one could conduct Mr. Palmer's Plan but himself, I think the house will agree with me in the principle, that where the head of a department is personally interested in its management, and has an independant power to enforce his regulations, that economy is more likely to be attended to, than where he is not interested; and I must again contend for Mr. Palmer, that if he was not justified in disputing with the Post-master General on the public account, he was justified on the ground of his own interests, and the original Agreement, giving him the uncontrouled management of a Plan, which it is absurd to suppose for a moment that he would have undertaken upon any other conditions.—With respect to the difference betwixt lord Walsingham's opinion of the advantages of the Plan and Mr. Palmer's, no one reading the Evidence with attention, and those documents to which Mr. Palmer refers, extracted from the very papers which his opponents brought forward against him, but must be convinced of the correctness of his statement; and that lord Walsingham, whose mind had been warped in the first instance by the enemies of the Plan, could never get rid of his prejudices; but was always more anxious to discover a defect, than to assist Mr. Palmer in its execution. And, let me appeal to any honourable gentleman who may have come here with an unfavourable opinion of this case; has he read the whole of these Papers? not only has he read them, but has he read them attentively? For I do not consider that there is a page in this voluminous Evidence, that is not material, and many parts require some application to understand.—Mr. Palmer, aware of the difficulty of impressing the whole merits of his case upon the members of this house, and deprived of the advantage which the vilest criminal enjoys of appealing to the laws of his country, sought the advice of the most eminent counsel he could apply to on this Evidence. Their opinion confirmed his Agreement to the fullest extent, and declared, that in a court of justice it could not be withheld. The Evidence has since been referred to a Committee of this house, who have substantiated every assertion made by your Petitioner. Can, then, any hon. gentleman who has not read the whole of this Evidence vote in opposition to such testimony? The tenth and last Observations of the Committee are as follow: "Your Committee observe, That under "the circumstances before stated, the salary of 1,500*l.* a year being commuted "for the per-centage on the tax of 90,000*l.* "Mr. Palmer has a claim to a continuance of the salary of 1,500*l.* a year; "and it appears to your Committee to be "only consistent with justice and public "faith, that Mr. Palmer should be secured "therein; and also in a continuance of his "specified per-centage from the 5th of "April 1793, and during the continuance "of his life, to be calculated and paid "under the same regulations as it was "paid up to that period, pursuant to the "appointment of the 11th of Sept. 1789, "deducting the 3000*l.* per annum received "subsequent to the 5th day of April 1793. "—And your Committee have lastly to "observe, They fully concur in the sentiment expressed by the Commissioners, "who reported on Mr. Palmer's Plan and "Merits in the year 1788: viz. That the "remuneration proposed to be allowed to "Mr. Palmer will be but a small part of "that revenue, which his integrity, activity, and zeal have created, exclusive of "the numerous advantages accruing to "the public and commerce."—If I have satisfied the house of the justice of the former observations, I trust they will agree to the last, and the motion framed upon it.

With respect to the amount of this claim, if it is in itself just, I trust such an objection will not weigh a moment against that strict observance of public faith, which I believe on all other occasions this house has kept. One instance I beg leave to quote, as it must be fresh in the recollection of the house. I mean the case of Messrs. Chalmers and Cowie, which was referred to a Committee*. But the Committee in their case reported only the Evidence; Mr. Palmer's Committee have their Observations on his Evidence. These gentlemen could not prove a contract with government; Mr. Palmer's Committee and his Counsel declare that he has fully proved his contract. Without imputing the least blame to these gentlemen, it so happened, that the country did not derive one shilling benefit from all the expence which they had incurred: in Mr. Palmer's case the country has received nearly a hundred fold the profits that he asks, and the country must continue to enjoy their profits, whilst the advantage to Mr. Palmer's family must terminate with his life. Lastly; these gentlemen, though they would have been considerable losers but for the liberality of parliament, intended no risk in the outset, beyond the fair adventure of a mercantile speculation; Mr. Palmer on the contrary, sacrificed his time, his comforts, his health, his property, every thing dear to him in life, for the attainment of an object in which his own sanguine mind alone anticipated success, and in which had he failed, he only could have been the sufferer. With this distinction in the cases, the liberality of this house gave these gentlemen two thirds of their claim; I can hardly think therefore, it will refuse Mr. Palmer at the recommendation of its own Committee, a sum not exceeding the half of what a court of justice would compel the payment. And, after all, what is this sum which is to tempt the house to do that which its members individually would not, could not do? If the debt is acknowledged, the amount of the arrears is a stronger argument for its payment, and these arrears, as nearly as I can guess (for it must depend on the estimate of the taxes), would not exceed 70,000*l.* I beg the house to consider, that Mr. Allen enjoyed nearly the whole profits of his partial improvements, and that for above forty years he possessed an income of from 12 to14,000*l.* a year. Mr. Palmer only bargained for a fortieth part of his emoluments, and improved even this branch of the Revenue which Mr. Allen farmed (the Cross Posts) more in two years, than Mr. Allen had done in his whole life. But, the advantage to the country in point of revenue turned out so far beyond expectation, that by the subsequent appointment, Mr. Palmer was restricted in his per-centage on the future encreased Postage, which has since been laid, and which the minister in proposing to the house has invariably justified upon the merits of his Plan; and the house must be aware, that though the encreased Postage has improved the Revenue, it certainly has diminished the correspondence, or prevented that growing increase with the increased population and commerce of the country, so far injuring the Petitioner. Suppose these improvements had never been effected, and that the Posts were now in the state in which Mr. Palmer found them; would not a minister be glad to make the agreement that was then entered into? Why, then, the agreement having been performed, and the country so long in the enjoyment of those advantages which it must continue to enjoy whilst the country exists; is it consistent with the honour and dignity of this house to refuse their petitioner the half only of that small proportion to which the faith of government was originally pledged? How many honourable gentlemen are now present whose fortunes equal and far exceed the sum claimed by this report. I would ask fairly, has there been a capital amongst the whole acquired with more credit to its possessor, or advantage to the country, than Mr. Palmer's; I can assure the house and appeal to many of Mr. Palmer's friends for the truth; that had he confined his labours to the improvement of his private property, judging by the success of others, he might by this time have realized a larger capital than the vote of this nights may give him. And would it not be hard, after such sacrifices, that he should become at last a loser;—Sir, I have now said all that I shall presume to trouble the house with in favour of this motion, and there is but one more point to which I request their indulgent attention. It has been urged by friends, that I should endeavour to compromise this claim: not from a doubt of its justice; but that from the uncertainty of the line that government might take, it were better, if possible, to secure a part, than risk the whole of what the Committee have recommended.—I shall, therefore, and I hope without offence, state my real sentiments on this subject. I cannot think that my friends would themselves adopt the advice they recommend, or that they would not incur the danger they wish me to avoid. I cannot think that a compromise is the feeling of this house, nor can I for a moment suppose that it is the wish of the right hon. gentleman, the guardian of the honour as well as interests of the public. If he is satisfied of the justice of the Claim, I am sure his character, his language, and his conduct, warrant the conviction that in this case, he will neither sacrifice the interest of Mr. Palmer, nor the honour of his country. Sir, this is an Agreement, or it is not; it has been performed on Mr. Palmer's part, or it has not: it has been advantageous to commerce, and the public, or it has not: it has improved the revenue beyond all expectation, or it has not. The Evidence upon these points has been referred to a Committee of your own house, and it is upon their decision Mr. Palmer feels bound to abide. He has toiled hard through life for the attainment of this object; it is for him at last to reap the benefit; nor can there be an honourable gentleman in this house who would wish me to sacrifice his pride and his feelings to my own security. If he has created this fortune he should be the disposer of it, and whatever he may think fit to leave his children, it is from him alone they wish to receive it, for they would rather exist upon the remnants of that property he sacrificed for the public good, than meanly accept a pension from the government, for which they could claim no merit to themselves, which could only reproach them for the desertion of their parent, and serve as a remembrance of his misfortunes.

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* Messrs. Chalmers and Cowie, undertook to import a large quantity of Herrings from Sweden in the year 1806, during the apprehension of a scarcity. These Herrings were accordingly purchased, but in consequence of an embargo, their arrival in this country was delayed, until the alarm of scarcity had subsided, when the cargo was spoiled for want of purchasers. The petitioners estimated their loss at 36,000l. the house of commons voted them 25,000*l.*

Mr. *Rose.*—During the many years which I have had the honour to possess a eat in this house, it has seldom, if ever, fallen to my lot, to witness a Claim brought forward with a more ingratiating propriety of manner, than that which has just been introduced by the hon. gent. Indeed, so powerfully has that manner interested my feelings, that nothing but the most imperious sense of my public duty could now induce me to rise as his opponent. It is strictly correct, as my right hon. friend (Mr. Long) has already stated, that Mr. Pitt upon his immediate acceptance of Mr. Palmer's Plan, did think he had concluded a very advantageous bargain for the country, and that he did also think the inventor of the Plan intitled to the perfect fulfilment of his Agreement for that great and growing benefit which the country, through his ingenuity, had obtained. But, if I concede this much to one side of the question, I feel myself equally bound to assert upon the other, that it was

Mr. Pitt's original and unchanging sentiment, that this bargain (such as it was) should be fulfilled strictly, to its utmost extent by both of the contracting parties: so that the benefit of the country might at least go hand in hand with the profit of the individual.—That great and enlightened statesman, my deceased friend (Mr. Pitt), had his country's lasting welfare invariably in view, and being most deeply impressed with that principle, he found himself compelled to cancel that Agreement so far as it lay with him, that posterity (after all the circumstances which had come to his knowledge) might not reflect upon his judgment or his honour for keeping inviolate on the part of government, a contract made with an individual, who had himself notoriously and confessedly infringed upon every principle of duty and subordination. In order to illustrate observations so very strong as I find myself compelled to make, I shall refer only to Mr. Palmer's own letters, to those unpardonable letters, which display a spirit of intrigue, I should hope without parallel among the persons entrusted with the official interests of the country.—[Here the right hon. gent. read parts of the Letters referred to by Mr. Long.] After reading this acknowledged proof of Mr. Palmer's mal-practice while in office, I must at once make this general deduction, that as these letters displayed plans pregnant with serious mischief to the interests of the country, and suggested the commission of disorders even in that very department of the Post Office which Mr. Palmer was himself appointed to superintend; I must contend, that as a measure of prudence, nay, of justice to the public, Mr. Pitt could have done nothing short of countenancing his dismissal from office. Then, let me ask, if the facts were so flagitious as to call for his dismissal, abruptly and suddenly, from the exercise of his official duties, were they not still more abundantly cogent to cancel this Agreement? I am persuaded that the house will do justice to the memory of my deceased friend, that truly great man (Mr. Pitt), the justice and unwarped impartiality of whose public conduct was always proverbial, by believing, that nothing but the clearest conviction upon his mind of Mr. Palmer's having forfeited by his misconduct all claims upon government, could ever have induced him to set aside an Agreement to which he had ever become a party.—Indeed, I must contend, that Mr. Pitt acted with signal liberality; nay, I am almost inclined to call it, an intemperate liberality, in allowing Mr. Palmer the very handsome and ample provision which he did: for by the express wording of the Appointment, it must appear, that the per-centage upon the increased revenue, was a mere stimulus held out to him for more active and enterprising services while in the execution of a specific official trust, and it was only while he continued to discharge the one, that he could possibly be entitled to claim the other.

Mr. *Croker*.—Sir; as a member of the Committee whose Report is now under consideration, I beg to offer my opinion upon the present occasion. I have, however, to premise, that there is one point in this Report upon which I had the misfortune to differ from those gentlemen with whom I was acting, though it is but fair to confess that on deciding upon the question, the great body of the Committee were against me.—The point to which I allude is the Claim of Mr. Palmer to the salary of 1500*l.* per annum, which he contends was a modification of part of those rights which grew out of his Agreement, and not an income attached to his continuance in office.—This, sir, is the only point upon which any difference of opinion arose; for, in respect to the remainder of his Claims, they are established beyond even the shadow of a dispute, and I am really at a loss to imagine upon what possible ground they can be for a moment resisted.—I am afraid, by what has fallen from a right hon. gent. that the amount of the sum claimed in right of this Agreement is the great bar to its fulfilment. Why, sir, it is this very amount that so incontestably proves the merits of the case; for the sum demanded by Mr. Palmer is but a fortieth part of those emoluments which the country have absolutely received from the exercise of his Plan, and which could not have accrued to us without it; and if the documents before the house do not substantiate this assertion, I am content to wave his right to any thing. How then, in the face of such a glaring fact as this, can any objection be made to the performance of a bargain, the fairness of which is universally admitted?—Great stress has been laid upon the Letters which have been read to the house; but I would ask to what do these letters amount? Do they impeach the character of Mr. Palmer? no; for what do the noble lords declare in the Evidence before us? Lord Walsingham being asked by the Committee, "If he had ever any reason to doubt the personal integrity of Mr. Palmer?" answers, "No; never in the smallest degree!" And, on the same question being put to lord Chesterfield, he desires to abide by the answer given by lord Walsingham; in short, the whole these letters go to prove is, that Mr. Palmer under the influence of vexation could no longer command his temper; but, from beginning to end, they most clearly evince, that the great object he had in view was the good of the public.—It is also to be observed, that these Letters, so much insisted upon, were not the cause of Mr. Palmer's suspension. He was suspended for refusing to deliver a key to one of his own officers, and these letters were not known of at that time, but were written years before, in confidence, to his Deputy, in answer to the complaints this deputy was continually making of the mischievous interference of the Post-Masters General; and they were now raked up out of old disputes, which had long been made up and passed over.—The fact is, the Post Masters General had, in a moment of irritation, so committed themselves by suspending him about this trumpery key, that they were glad to avail themselves of these ex-post-facto-letters, delivered up by a viper, to find another key to let themselves out of the scrape they had got into; so that Mr. Palmer, in the first place, is suspended without any justifiable cause being assigned; and he is ultimately dismissed, because he has been improperly suspended!—I do not for a moment wish to dispute the right of the government to dispense with Mr. Palmer's services; but, it is ridiculous to make his dismissal from office a plea to get rid of his Agreement, because the one has nothing whatever to do with the other.—Sir; Mr. Palmer does not appeal to us as a suspended officer soliciting a restoration to his office; he stands forth as a creditor demanding the payment of a debt. The great machine for which this debt has been incurred is working at this moment, and will continue to work while this country shall endure, and so long shall we continue to reap the benefits of it, while the very small share of those benefits claimed by Mr. Palmer must cease with his life.—Sir, the whole jut of the affair amounts to this: here is a specific Agreement before us, which the government acknowledge to have entered into; the faith of the country is pledged for the performance of it: and that pledge must be redeemed.—Being of opinion, as I have already stated, that the arrears and continuance of the 1,500*l.* per annum is objectionable, I shall move for that part of the Resolution to be expunged; but in respect to the remainder, why, sir, his claim to that can be no more disputed, than the possession of an estate which descends by inheritance. If, therefore, any objection should be made to passing this amended Resolution, I shall then vote for the whole, and endeavour to go as near justice as I am able.

The *Chancellor of the Exchequer*.—It is with infinite reluctance that I rise upon this occasion, for the task which I have to perform is irksome to my feelings, but at the same time it is so essentially blended with my sense of public duty, that I cannot possibly avoid it; indeed, if any thing could tend more than another, to make an impression upon the house in favour of the petitioner, it is the speech of the honourable gentleman who opened the debate; for, certainly, it was urged with every point, and enforced with every argument that such a subject could or would endure. It was calculated to impress the house with high respect for the petitioner, and to give very great importance to the discussion of his claims. I really feel myself in an unfortunate predicament, in being obliged to differ widely from the hon. gentleman, and my situation is rendered more irksome, when, as the ground of that difference in opinion, I am forced to assign very disagreeable reasons. I wish to have the house thoroughly apprised, that in case they acquiesce with the claim now before them, their vote will positively substantiate upon the country a demand for no less a sum than 97,000*l.* immediate payment, and an additional yearly onus of 10,000*l.* during the life of the petitioner; for such, according to every enquiry which I have made, (and very copious information has been returned to me) would be found the smallest remuneration which Mr. Palmer would be authorised to demand of the treasury, should the grounds of the present petition be admitted, and receive the sanction of parliament. I neither do nor will attempt to say, that the amount of a debt should ever overturn the justice of it; or that the magnitude of the sum claimed by Mr. Palmer, should operate as any reason for refusing the claim itself if satisfactorily established. But, when the consideration of amount is coupled with the recollection of Mr. Palmer's faulty and disobedient conduct, then I must say, that a pause, a serious and attentive pause, ought to take place before that claim is granted. Let it be understood, that if the vote of this house establishes the present demand, it will go all the length of operating as a most dangerous precedent: for it will go even to the length of rewarding unworthiness; at least, if any judgment is to be formed from the evidence upon the table, and indeed, it is impossible not to form a judgment upon that evidence, and I am free to say, that from the most attentive consideration I can afford to the case, the same reasons which prevailed to dismiss Mr. Palmer from his official trust operated still stronger to cancel the agreement, and to annul it for ever. How was it possible for government to preserve a compact with a man, who was himself violating the main principle of all governments, by industriously fomenting a spirit of insubordination, and holding forth a studied example of contempt and disobedience to superiors in office? Mr. Palmer had been appointed to watch over and protect a particular branch of the revenue, and though his own personal integrity in that situation certainly stood unimpeached, yet the spleen and petulance of his disposition had tended to produce effects nearly as prejudicial, as ever his dishonesty could have done. The principles of gentlemanly honour prevented him, indeed, from practising a fraud himself, but the criminal suggestions of anger and revenge induced him to sanction the fraudulent practices of others, and to encourage the injury of that very revenue out of which he was at the moment vitally supported. Let me ask, how is it possible Mr. Palmer could expect to have an agreement fulfilled between the public and himself, when he was teaching his own deputies in office, how to inconvenience that very public, and how to counteract that very service, and those very resulting benefits, for which he himself was to be so liberally rewarded?—It could not be. For those reasons, the minister was more than justified in cancelling the agreement; for if he had kept any compact with so bold an offender, he would neither have been justified to his conscience, or in the eyes of his countrymen. Mr. Palmer's own letters are an ample proof of his offence.—[The right hon. gentleman here read extracts from the letters, vide (*a*).] From these letters, I must positively contend, that if even the appointment and agreement had passed the great seal, yet upon the production of such testimonials, there would be an abundance of evidence whereon to found a *scire facias*, and have the patent rescinded. I can confidently appeal to all the gentlemen of the long robe in the house as to the verity of my legal remarks: nay more, if a bill of indictment had been preferred, whether Mr. Palmer might not have been convicted of a conspiracy? Then, will this house for a moment entertain a claim with so impeached and flawed a title? Or will it sanction by its grant the repetition of such dangerous conduct? I feel persuaded that this house will not. Upon the whole, I do not think Mr. Palmer has any further claim on the justice of this country; and I am certain, that if Mr. Pitt had attempted to countenance his claims, or to have restored him to office, the gentlemen who now advocate the petitioner's case, would have been the loudest in their condemnation of the minister. I am sorry to make any remark that may appear personal to the supporters of the petition, but I must observe, that it will prove an extraordinary encouragement to the multiplication of claims upon government, if every discontented man, be the nature or expediency of his demands ever so preposterous, can ensure to his support the whole embodied phalanx of opposition, merely because an enforcement of the claim may embarrass his majesty's ministers. In fact, it is hardly possible to attribute otherwise than to party spirit, and a desire, perhaps, to add one single vote to their minority, the conduct of gentlemen on the other side of the house. To every impartial mind it is impossible to detach the reward of Mr. Palmer's services from the contemplation of those services still remaining actively engaged for the public. Both the salary and the per-centage had only a reference to Mr. Palmer's official situation. The first was given as a specific purchase of his time and personal attendance, and the other was added as an inciting spur to his genius. Both were clearly intended to stand or fall together, and in my opinion, it is impossible for any ingenuity of construction to disconnect them. Impressed as I am with this thorough conviction, I cannot do otherwise than give the present claim my decided reprobation.

Mr. *Windham.*—I cannot, sir, at all admit, that the mode adopted in arguing this question, is either a mode suited to the character or functions of this house, or that it is a mode (as has been dextrously pretended) favourable to the interests of the party. It has been said, 'we will agree not to deprive Mr. Palmer of the benefit of what he claims, but upon grounds on which he might have been deprived by law; and in so doing, (such is the inference) we put his cause upon the most advantageous grounds; for, surely, no government or legislature can be considered as acting harshly by an individual, when, in the exercise of its discretion, it only withholds from him advantages, from the possession of which, if actually vested in him, the law itself would have removed him.'—Sir, I both deny this inference, and I deny, that the proper way for the house to examine this question, is to enquire how it would stand, if considered as a point of law. The fact shall be, if the right hon. gentleman pleases, that the terms of the Agreement would warrant the construction which he puts upon them, and that a court of law, following the rules of interpretation which they might think it right to observe, would declare Mr. Palmer's Claim to the per-centage to be forfeited, in consequence of the misconduct, which has forfeited his place for life. But, I am yet to learn, that a house of parliament in judging a matter of this sort, is confined to the rules which may be binding on a court of law; or that courts of law may not be bound, on a thousand occasions, and most properly bound, by rules that do not in the particular instance coincide with the substantial justice of the case. Have we never heard of the maxim 'summum jus, summa injuria,' and is there not notoriously, in the system of our own jurisprudence, a provision made for cases in which the decisions of mere law would be contrary to that which justice and equity would prescribe? In fact, the very courts which are meant thus to supply what is defective in others, and to correct those rules which in many cases stand in the way of justice, are themselves subject to constraints from which, in particular instances, they would desire to be free, as leading to decisions different from what would be directed by mere unfettered justice. In the interpretation of Wills how often does it happen, that the property must be made to take a course different from that which the testator himself may fairly be presumed to have intended? What, therefore, would be the sense or justice of taking as a rule for the resolution which this house should come to in a case submitted to its justice and to its liberality, the decision which a court of law might find itself compelled to give, if called upon to say what would be the legal effect of a written instrument conceived in such and such terms? I beg, therefore, wholly to protest against this ingenious turn, by which the right hon. gentleman, conformably enough to the habits of his former life, would take this case out of the general consideration of justice and equity, on which it ought to rest, and put it upon the issue of what a court of law should decide in interpreting the words of a particular grant. We have, not only the words of the grant before us, but the whole of the merits of the case; and it is upon the view of these merits, combined with all that belongs to the character of this house and of the country, that it is becoming and fitting for us to decide.—Three questions present themselves to our consideration; What was the bargain originally made? Has that bargain been made good on the part of government? By what means has Mr. Palmer forfeited his claim to it?—With a view to the last of these questions, it is desirable to say a word or two upon the first, and to recall to the house, what the nature and character was of the bargain originally made. It was not a mere grant to Mr. Palmer of a fixed remuneration formed according to the ideas then entertained of the merit of his Plan, but a reward placed upon the best possible footing on which rewards, in such cases, can be made to rest; namely, such as should make the advantage to the projector rise or fall in exact proportion to the service which he should be found to have rendered—a rule that can be liable but to one objection on the part of the public; namely, that of the proportion having been taken originally too high; but which, if not objected to on that account, (as it never had been), can hardly be objected to afterwards, on account of the absolute profits which, in observance of that proportion, it shall be found to produce. Whatever the fact may be, we shall never venture to avow, that we refuse to make good to Mr. Palmer the reward that was promised, because the advantages of his Plan to the public have turned out so much greater than was expected.—What is said, is, that his Claim has been forfeited by his misconduct; and as this is a plea which has not, in the general nature of it, any thing to make it incapable of being true, it is necessary that its validity should be examined.—The original engagement made with Mr. Palmer was an allowance of 2½ per cent. to be computed on such increase in the revenues of the Post-Office as could fairly be ascribed to the effects of his Plan. It was a remuneration given for services already performed, and involved in it no consideration of any thing to be done by Mr. Palmer in future. The proof is that had Mr. Palmer at that moment wished to retire into the country, or, from health or liking, or any other cause, declined all further concern with government, there was nothing in the world to prevent him. His bargain was complete, and if his Plan produced any gain to the public he had nothing to do, in order to receive his proportionate part, but either to attend himself, or to furnish to some one a proper letter of attorney.—This was the bargain which unquestionably Government was ready to make with him, and which, I believe, was actually concluded. But it was thought, that a change in part might be advantageously made, and that instead of paying Mr. Palmer wholly in a per-centage, part of what he was so to receive might be converted, beneficially to the public and profitably to himself, into an office to be held by him under the Post-Office, and he be enabled thereby to superintend the execution of his Plan, and thus to increase at once the public revenue, and his own profits.—To this Arrangement, nothing could be objected; supposing the equivalent to be justly taken, and supposing always that Mr. Palmer had no objection to being further employed instead of retiring with the fruits of the service which he had already rendered. Nobody could ever have suspected, that by accepting an office and a salary in lieu of part of what was to be paid him in another form—that by converting, as it were, part of his property into an annuity,—he was to alter the tenure by which he held all that was not so converted, and was to exchange what was absolutely his, for a sum, being only in a small proportion larger, which any misconduct of his own, real or imputed, or the mere pleasure of another, might at any moment take away from him. A doubt might not unreasonably be entertained, whether this would be true with respect even to the particular part converted. It might be said, this office was given you partly with a view to future services, but partly with a view to what was passed; and so far as it was a recompence for the past, it ought, if forfeited, to be replaced to you in its original form. But, it is perfectly monstrous to contend, as is now done, that in virtue of the small portion so converted, the whole of what was due to him, and what was actually agreed for, should, from that moment, become precarious and contingent, instead of absolute and certain. No such bargain can be admitted but upon the faith of documents expressed in terms the most positive and precise, and leaving nothing in doubt as to the meaning intended to be conveyed. It cannot be left to be inferred or collected, or to stand on rules of technical interpretation, or on the doubtful testimony of persons, speaking as to their opinion of what was intended at the time, and who, however respectable, are themselves very much in the situation of parties. It is not to be believed, but upon proof the most compulsory, that any man of good and sound understanding would make a bargain so disadvantageous to himself. There is no proportion between the price paid and the advantage to be gained. Mr. Palmer by accepting the office proposed, would hope, no doubt, to increase the Post-Office revenue, and thereby, besides the credit which he would gain, to increase his own profits. But what a bargain would he have made, if for the chance of this additional gain, he should have put into jeopardy the whole of what was already secured to him! Yet this is the situation in which the hon. gentlemen contend he had been willing to place himself. You have consented, say they, to be paid partly by a per-centage and partly by an office, in other words, to accept an office in lieu of a part of your per-centage. From the office you are removeable, in fact at pleasure, but certainly for misconduct, and as we cannot distinguish between the grounds on which one part of your payment is made, and those on which another is made, but must consider them all as resting on the mixed and joint views of, reward for the past and engagement for the future, whatever has the effect of forfeiting one part must forfeit the whole; and as it is clear, that after such misconduct as you have been guilty of your salary must go, it follows by necessity, and by connection of parts, that however it may have been given you on the principle of a reward, and may have remained in its original form of a per-centage, the rest must go likewise. Was there ever so ingenious and satisfactory an argument? Mr. Palmer must feel half reconciled to the loss of all that he thought himself entitled to, when he finds it wrested out of his hands by such a masterly and dextrous piece of logic! The worst of the argument is, that it will do as well the other way, and that if the parts of his grant are so connected, that they must all stand or fall together, it may be asked, why the salary should not follow the law of the per-centage, as well as the per-centage that of the salary? The per-centage, it is plain, was clear reward and nothing else: it was given for service past, and could not well be forfeited, in the circumstances of the case and while the public was actually enjoying the benefit of it, by any thing that should be done afterwards. It would be just as good, therefore, and in fact better argument, to say, that as the salary was in part given as matter of reward, this was a case in which office and salary was not, as in other cases, forfeited by misconduct, but should be continued in part at least, even though the party should have acted in such a way as would have amounted to a forfeiture in any other circumstances. The truer decision however is, no doubt, that the salary was forfeited, and nothing else. Mr. Palmer consented to convert a part of the property which was already his by an absolute and indefeasible right, viz. his per-centage, into property of another description, and which it was fair to consider as subject to the condition by which such property is usually held. When he took an office in lieu of a part of his per-centage, it might be contended, and not without plausibility, that he took it subject to all the chances to which such office was exposed: though even there I should be inclined to maintain, that if in the number of those chances, removal at pleasure was to be included, the interpretation would be rather a hard one. But forfeiture for misconduct I should not think hard, even though it involved in it, as it does in the present instance, a loss and punishment to Mr. Palmer beyond that of the mere salary, namely, the loss of all that increase of profit which the possession of the office was likely to produce upon the great body of his income, viz. the per-centage, which he still retained. This loss I think Mr. Palmer has fairly incurred in the present instance. But to extend the construction to the whole of what had been given him, and to say, that having turned one part of what he had into salary, the tenure of the salary was to attach instantly on all that remained, is a construction not less extravagant than if you were to extend the same to any property which he held in land or in the funds, which he had derived from bequest, or inheritance, or acquired by his private industry.—It is needless in this point of view to touch upon any topic, even if such there should be, by which the delinquency imputed to him might in any degree be extenuated or excused. Though pleas to that effect are not so entirely wanting as some may suppose, taking into consideration the means employed against him, and the little scruple felt by many of those whose arts he had to encounter, yet it is better in argument wholly to give up their part of the case, and to consider his conduct in office not only as being, what it certainly was, in the highest degree culpable, but as totally incapable of defence or mitigation. All that it is necessary to say is, that the delinquency was not of a sort, as indeed what delinquency is? that could work a forfeiture of rights which had been completed before the crime was committed. The opposers of the Claim, sensible that it was not upon those grounds that resistance to it could be maintained, have had recourse to the terms which, at a subsequent period, Mr. Palmer had been fain to accede to, when the only option allowed him was between those or none. The mere statement of such an agreement in an answer to any use to be made of it as concluding against the future claims of the party. Mr. Palmer finding himself opposed by men who had all power in their hands, was willing, as most other persons would have been in the same circumstances, to consider rather what he could get than what he might think himself entitled to. The moment the ministry were in possession of the letters, to which to-day also, so much triumphant reference has been made, Mr. Palmer was at their mercy. With such a battery to play off against him, the moment he should set his foot in the house, he could not have stood before them for an instant. He would not have obtained a hearing. The house, it may now be hoped, not being taken by surprise, nor borne down by the long established authority which then ruled it, will be more disposed to listen to reason; and, as one of the first proofs of snch a disposition, will never consider an acquiescence on the part of Mr. Palmer in the terms dictated to him, as an admission that what was so offered was equal to the fair amount of his demands. His consent to accept what was then offered, that is to say, all that he could then hope to get, was not an act that could, with any justice, in my opinion, be quoted against him, as prejudicing any claim which he might otherwise be thought to possess. His claim must remain such as it was originally: and it is upon this Claim that the house is called upon to pronounce; judging, not according to the rules which some have proposed as the guide of its judgment, but on those principles of general equity, which would seem more suitable to the character of a legislative assembly, deciding between an individual and the public. Was the bargain made with Mr. Palmer, originally, an unfair, or improvident one? Was it not, on the contrary, such as the public would be glad to repeat, could the advantages of his Plan be obtained at no cheaper rate? Can it be said with any truth, that a bargain so circumstanced, has been forfeited by his misconduct, however justly that misconduct has forfeited the office which he accepted in lieu of part of it? And if the reward due for service already performed, and of which the public are now enjoying the fruits, cannot well be forfeited by misconduct of a subsequent date, would it be consonant to the justice or creditable to the character of the house, that they considered as a surrender of Mr. Palmer's right, the acceptance on his part of a smaller sum, when the rejection of what was then tendered must be considered as nothing less than a renunciation of all further hopes?

Sir *John Newport* stated himself to have been a member of the Committee; which had bestowed upon every transaction connected with the case, the most particular and deliberate attention. He then read various extracts from the Evidence detailed before the Committee, upon the face of which he contended that Mr. Palmer's Claim for remuneration was clearly made out and established.

Sir *Francis Burdett*.—Since I have been a member of this assembly, I believe it has never been my reproach that I have been found the champion of needless extravagance, or the advocate of a wanton profusion with the public money. Yet, much as I respect the maxims of economy, I am so far from esteeming them paramount to the claims of justice, that I must rise to give the present question my decided approbation and support. A great deal of personal acrimony has escaped from the right hon. gentleman (the chancellor of the exchequer) and an attempt, rather insidiously, I must think, has been made by him to reduce this question into the narrow shape of a mere party measure. I regret that any thing of this kind has occurred, because in my sincere belief, no case was ever submitted to the consideration of the house, in which party feelings or party canvas has had less connection.—In respect to this case, exclusive of the clearness with which it is made out, I never recollect either to have heard or read of one coming before parliament with stronger recommendations in every respect. In the first place, here is the report of the commissioners of enquiry; next, here is the report of the committee whom we appointed to investigate its merits; and, lastly, here are the digested professional opinions of four of the first legal abilities in the kingdom, namely, lord Erskine, lord chief justice Mansfield, the present Attorney General, sir Vicary Gibbs, and Mr. Adam—all of these strictly corresponding and representing the claims in so strong and positive a light, that it is almost impossible to add any thing in support of their authority.—To appreciate the merits of this case positively, it may perhaps be worth our while to consider it first comparatively, and to take a retrospective glance at contracts which government have been in the habit of entering into with others. And, really, when I survey these on the one hand, and contemplate Mr. Palmer's agreement on the other, they appear to me so extremely opposite in principle, so strangely different in practice, that I cannot reconcile it to my conscience, even to class them under the same denomination. One striking instance of this inequality is manifest in the contracts respecting the Dutch prize ships, where commissioners for ascertaining the value of the cargoes receive often 5 per cent. on the amount, and actually for not doing one single act of benefit to the public; or in any way whatever deserving such extravagant remuneration. Now, really, when we hear cases like these attempted to be placed in the same scale with Mr. Palmer's, our common reason is insulted. In most of the contracts hitherto made, the advantages of the contractor arise out of the excess in the gross expenditure, which it consequently becomes his interest to aggravate and increase, by every possible means; while, in this agreement of Mr. Palmer's, his emoluments are merely to grow out of the net increased revenue of the Post Office in recompence of his plan, whereby the interests of the public are inseparably interwoven with his own.—Sir, I have, in the course of this debate, heard a number of letters read by gentlemen on the opposite side, by way of refutation to the claim; but, I cannot perceive they have any thing to do with the specific agreement entered into with Mr. Palmer; on the contrary, they appear to me perfectly unconnected with it. If, indeed, they can prove by these letters the failure of Mr. Palmer's plan, and that the Post Office revenue has derived no increase from his exertions, why, then, I perfectly agree with them, that the whole affair falls to the ground. Or, should they prove, from any thing contained in them, that the revenue falls short of the stated amount, in that case, I am willing to allow that Mr. Palmer should only be paid to the absolute extent of the advantages which have accrued; and, as far as I understand, it is upon this principle he desires to be judged. But, upon what mode or system of calculation he is to be paid a yearly salary of 3,000*l.* and his agreement cancelled, I am really at a loss to determine. In fact, sir, the gentlemen opposite seem to be puzzled themselves, in respect to this affair, and shift their position so frequently in the course of the argument, that it is rather difficult to know upon what ground they wish to fight the question; first, it is an Agreement; now, it is not an Agreement; then, we are told of the difficulties of the times, and the necessity of a rigid economy. Sir, I am most sensibly alive to the misery of the times, and no one, I believe, can more feelingly deplore them; but I am so thoroughly convinced of the justice and equity of Mr. Palmer's Claims, and so perfectly aware of the general feeling of the country towards them, that if the gentlemen on the Treasury bench will but do justice to the individual, I am content they should throw upon my shoulders the whole blame of the transaction, and hold me out to the people as the extravagant spendthrift of the public revenue.—Sir, one argument (if it may be so termed) brought forward by the Chancellor of the Exchequer seems to me to be the most absurd assertion I ever heard of. The right hon. gent. attempted to persuade the house, that the 2½ per cent. as well as the 1,500*l.* a year, were both intended and given as a salary incidental to the office of Comptroller of the Post Office, and that both those remunerations should cease with the functions of the office. Now if that were the case, how happens it, that every officer who has been appointed subsequent to Mr. Palmer's dismissal, and has had exactly the same duties to perform—how happens it, I say, that he has not had the same salary? Why, it is evident, because no other officer ever did the services out of office which Mr. Palmer did; no other officer ever added millions to the revenue of the country. Why, then, it is indisputable, that this allowance was granted to Mr. Palmer as a remuneration for having given to the public a Plan replete with every advantage of profit and convenience.

Mr. *George Johnstone* observed, that the mode of attack adopted by the opposition members that night appeared to him quite of a novel complexion; for he believed that this was the first occasion upon which gentlemen sitting upon the treasury bench had been reproached for a too scrupulous regard of the public money, and held out to the nation as over-cautious misers of the enormous trust reposed in their discretion: and he could not avoid remarking as something additionally extraordinary, that the present advocates for a profuse generosity, were the very persons who were clamouring in every man's ears against the increasing hardships of the times, and the necessity of a reduced expenditure. The two parties seemed completely to have shifted their ground while arguing the present case; for now ministers were violently blamed, merely because they followed these prudential maxims so long recommended by their adversaries. Whatever might be the event of the present question, he must assert, that his right hon. friend, the Chancellor of the Exchequer, simply performed his duty, by resisting all doubtful demands upon the public purse, of which that house was the natural guardian, and was bound by every just principle to protect from spoliation with the same anxiety as any individual would his private property.

Lord *Henry Petty*, after recapitulating and enforcing several of Mr. Windham's remarks, proceeded to state, that leave to bring in the present petition, had been applied for while he held the situation of chancellor of the exchequer; that without pledging himself in the slightest degree, for any support to the case, he had given his consent that a committee should be appointed to investigate and report upon the Claims, because (though at that time he was entirely unacquainted with the justice of the case) he felt that Mr. Palmer had produced such signal and extensive advantage to his country, that any demand he might bring forward for remuneration was at least entitled to an attentive consideration.—Since that period, however, he had seriously examined the mass of Evidence now before the house, and through the whole chain of it, he had found abundance of proof, however the ingenuity of some gentlemen had laboured to distort the plain fact, that Mr. Palmer was entitled, by every tie of honour as well as gratitude, that could be held binding to a nation, to receive the full and entire compensation which he claimed.—With respect to the wild theory affected to be raised in the course of this debate, that the purchase-money bargained for Mr. Palmer's Plan escheated back to government as a forfeit, when they chose to dismiss him from his official employ, it really was too idle and paradoxical to require a serious reply. Let the house, for an instant, draw any parallel case: Suppose an ingenious artificer comes to the board of admiralty; and says "I have invented a machine which shall destroy the French fleet in Brest harbour at a single blow, will you buy it of me for 20,000*l.*?" The board, after some experiments, are convinced of its efficacy, and agree to the purchase. Afterwards they say to the inventor, "No person can understand the application of this machine so well as yourself, and we wish to engage your personal services to superintend the enterprize. We appoint you to the command of a man of war, and will pay you such an allowance while we retain you in the navy." The inventor never desired this appointment, but he accepts it, he completes the object of the enterprize, and the French fleet is destroyed; but, while this work is about, he conducts himself improperly in his ship, and disobeys the chief in command; the Admiralty immediately dismiss him from the service, and his conditional allowance ends with his employment. So far all is proper; but would any man be found, who should say this man had not a claim, a just and legal claim upon the Admiralty Board, for the 20,000*l.* which they had originally bargained for the purchase of his invention, and which invention had already answered every purpose it had promised to effect?—No, he did not think were was any man in the united kingdom, who would come forward to start so preposterous and dishonest an idea. Now, let the house, at a single glance, compare this imaginary case with the real one, and find, if it could, one jot of distinction between their merits. He really considered Mr. Palmer's case to be so indisputably established, that he would not occupy the time of the house with any additional comments; all the duty that remained to him was to refute in the general face of the house, any insinuation, that the support given to the petition by his friends or by himself, resulted from any thing in the likeness of party spirit. He protested, individually, that he had not conversed upon this case with any of the gentlemen who usually did him the honour to concur in sentiment with him, and that even Major Palmer himself must have been ignorant till that moment of the nature of the vote which he now certainly should give.

Sir *Thomas Turton*—Sir; having myself formed one of the Committee appointed by the house to examine into the merits of Mr. Palmer's Agreement with government, I feel it a peculiar duty to offer my sentiments upon the present consideration of the Report.—Sir; I could wish the house to recollect, that the manner in which this Committee was selected, was agreed to, by every one interested for or against the present question, as the fairest and most impartial mode that could be adopted. It was comprised, in the first place, of all the county members, of all the representatives of the great mercantile cities, of gentlemen of the long robe, and of merchants, and I challenge any gentleman in this house to produce from the earliest records of parliament, a committee more qualified to ascertain the merits of the case at issue, or more likely to administer equal justice to the public and to the individual.—Sir; I can boldly aver, that there never was a body of gentlemen who paid a more strict and constant attention to the subject before them, or who went more fully and essentially into the whole of the Evidence during a long and laborious investigation. The result of that investigation is now before you, and they there declare themselves of opinion, "That Mr. Palmer has fully proved his Agreement, and is justly entitled to the sum he claims."—Now, sir, I am far from asserting, that this house is bound implicitly to abide by the decision of its own Committee, because all those who have bestowed as much of their time and attention to this case as the members of that Committee, are certainly as well qualified to judge of its merits; but, sir, as there are, undoubtedly, many honourable gentlemen present, who from the pressure of other business, have found it impossible to go through the printed Evidence before them, I do say, sir, that as many gentlemen as are in their own minds conscious of their want of information on the subject, are bound in honor, either to agree with the Committee which they themselves have delegated, or to give no vote whatever upon the subject—one of these two things I think we have a right to ask of them.—Sir; it appears to me, the whole argument on this subject resolves itself into one plain question; Was there an Agreement, or was there not?—Sir; Mr. Pitt himself acknowledges the Agreement; and I believe no one in this house will question either its fairness or moderation. Mr. Palmer, it appears, was to increase the public revenue by means of a reform and improvement he undertook in the Post Office department. He was to embark his time, his fortune, and his fame in this experiment. If his exertions succeeded, he was to receive a fortieth part only of the emoluments which would in consequence accrue to the country; but, if he failed, (no matter from what cause) government were bound to make him no compensation whatever, either for his time, trouble, anxiety, loss, and the total neglect of all his other concerns in life: even the goodness and the purity of his intentions were not to be taken into consideration; but he was to be left liable to encounter ruin, penury, and mortification as the reward of a mistaken zeal for the good of his country.—Thus, sir, in this extraordinary and unprecedented bargain, the country were to incur no risk whatever. It was morally and physically impossible they could sustain any injury. In the event of failure, Mr. Palmer alone was to suffer the whole of the loss; but, if his Plan succeeded, why then, sir, for every twenty shillings the country was to come into the possession of, Mr. Palmer, the projector and inventor of the means by which these twenty shillings were acquired, was to receive six-pence, and that during his life only.—There is one feature in this Agreement to which I would particularly direct the attention of the house. Mr. Palmer does not, with the prudent calculation of a worldly-minded man, say to the government, "I will organize this Plan, I will prove to you that it is feasible, and having brought you to this conviction, you shall pay me such a specific sum for the invention, and whether hereafter the scheme continues to succeed or no will be a matter of indifference to me." No, sir, Mr. Palmer's language to the minister is this—"The contract I submit to you shall not place it in the power of the public to reproach you with having made an improvident bargain: they shall not have it to say, you have extravagantly expended a sum of money upon a projector whose Plan, though successful to a certain degree, is yet very inadequate to the injudicious reward he has received: what I request is this, that at the end of each year an account be taken of the Post Office receipts, and out of this gross sum all the expences incidental to the establishment shall be disbursed, and then, from the clear net monies paid into the treasury beyond the old amount, I demand my per-centage of sixpence in the pound."—Here, sir, are no speculative advantages, no ideal emoluments; before the inventor is to be thought of, we are to see these emoluments and to feel the benefit of them; and when we have satisfied ourselves of their reality, and we are absolutely in the enjoyment of them, then, and not till then, Mr. Palmer is to reap the benefit of his Agreement.—Sir, it is upon this principle Mr. Palmer wishes to be judged; produce the Post Office accounts. If we have not benefited by his plan, he has no claim upon us; but if, on the contrary, it should appear, that the country has derived and is deriving an immense annual income from his services, why then, sir, I assert, and I feel confident that the public will bear me out in the assertion, that he ought, in justice and in honour, to be paid up to the amount of his success. Sir; it has been advanced by a right hon. gent. that Mr. Palmer, from disputing the commands of the Postmaster General, was found unfit to retain his official situation in the Post Office; and that by his acting so as to oblige the Treasury to discharge him, he deprived the country of many advantages his continuance in office would have insured to them.—Sir; in the first place, I deny that it was necessary to discharge Mr. Palmer for disobedience to the Postmaster General, because he never acknowledged their authority, but I am ready to admit, with the right hon. gent.

that the public suffered materially in a prospective view, from Mr. Palmer's dismissal. But, sir, the right hon. gent. appears to forget, that Mr. Palmer is not asking the country to reward him for the services he would have performed, had he been permitted to give them; he only demands his per-centage upon that sum of money which he has actually put us in possession of.—Sir; there can be no deceit, no sophistry in this. You have the money, or you have not: prove the latter and his Claim vanishes. But if you admit the former, it is clearly substantiated. Now, sir, if for the sake of argument, I were to suppose that Mr. Palmer had justly incurred his dismissal, and rendered himself incapable of continuing his services to the public, why, sir, even in this view of the affair, the fault would carry along with it its own punishment, for this agreement so links the interests of the public with that of the individual, that the one cannot suffer without the other bearing a proportionate participation. If the government did not chuse to continue Mr. Palmer in office, it was a circumstance much to be regretted; but still, they had an undoubted right to select their own officers; and it was at their choice either to retain him or dismiss him. They had the most unqualified right to dispense with his services; but they could not, in honor, or in equity, dispense with his Agreement; unless indeed they gave up all the advantages accruing from it, and reverted back to the old injurious system, from which his talents and perseverance had rescued them.—But it seems on the suspension of Mr. Palmer, the government discontinued the usual payment of his per-centage, and settled an annuity of 3,000*l.* upon him for his life. Now, sir, I should be glad to know by what right the original agreement is to be annulled, and this pension foisted on Mr. Palmer in lieu of it? Did Mr. Palmer consent to this arrangement? No. Did he accept the 3,000*l.* a year as a compensation for his per-centage? No. Why then, sir, the contract on his part remains unbroken, and he is entitled to the full and complete benefit of it.—But, sir, the right hon. gent. has stated, that the 3,000*l.* a year was rather more than the yearly per-centage at that time amounted to; and that it was conceived Mr. Palmer would be a gainer by this arrangement. Now sir, the right hon. gent. must himself be aware of the fallacy of this argument; because he knew that the revenue which the per-centage grew out of, was increasing every hour, and that before the next settlement could arrive, Mr. Palmer's per-centage would overtake and leave behind it this 3,000*l.* a year which they now hold up as an advantageous settlement to the projector.—Mr. Palmer was aware, that during the infancy of this system his emoluments would be small; but he looked forward to a progressive extension of them from the increasing commerce of the country, and the facility and convenience which his Plan held out to its correspondence. So, sir, that under these circumstances it is an abuse of words to say that this Treasury manœuvre was played off in kindness or even fairness to Mr. Palmer; for in right of his Agreement he would at this time be receiving 10,000*l.* instead of 3,000*l.* a year, and this fact is at once the strongest and most incontestible proof of his merit and ability.—But sir, I blush to say, that it was the extent of Mr. Palmer's success, and the almost incredible emoluments arising to government from his scheme, that precluded him from the benefit of his contract. Had Mr. Palmer succeeded in a smaller degree he had been safe, and had five or six other projectors succeeded afterwards in the same proportion up to the present revenue, their separate obligations would all have been thankfully discharged, and the government have congratulated themselves on such provident bargains. But, sir, because one man undertakes a hopeless reform, and after succeeding in defiance of all calculation, carries the revenue he has so reformed, to the climax and acme of perfection, the ministers find out that it is excessively presuming that any one man should dare to make such an impertinent display of his genius and talent, and therefore he is to be paid, not for what he actually has done, but for what it was supposed he might be able to do. During the time this plan was on its trial and its success deemed chimerical, the projector had singly to encounter all the expence, trouble, and fatigue, together with such a hydra train of difficulties as would have driven almost any other man to have thrown up the contract in despair; in the mean time, the government, who were to reap almost the exclusive benefit of his exertions, suffered under none of these vexations, unless in their own imaginations.—But sir, when the persevering ability of Mr. Palmer had triumphed over every obstacle, and crowned his Herculean labours with success, then the government awaken from their idle visions of apprehension, to the solid and absolute enjoyment of an immense revenue, while Mr. Palmer, in his ruined fortune and impaired health, feels the reality of the evils he had to contend against; and the promised reward of his toils, the honest and hard earned fruit of his ingenuity, eludes his grasp, and leaves him only the heart-rending reflection, that his confidence in the word of a minister, his imprudence in imagining that the public faith pledged by him, was an obligation as valid as the written contract of any other individual, have subjected him to this mass of injury and oppression.—But, it is said, Mr. Pitt decided on these Claims. Mr. Pitt was a party concerned. Nor can I (greatly as I esteemed him) surrender my judgment, in a case where the aid of common sense is alone necessary to form it, even to him.—But, sir, it is plain from Mr. Pitt's conduct, and from his Evidence, that he was not satisfied with himself. It is plain he attempted to persuade himself, that by the mode adopted, he was not doing injustice to Mr. Palmer; but he did not succeed. Perhaps this is some excuse to his zealous partizans, whose feelings may be not quite so nice, for their conduct and language to-night.—Sir; there has been an objection urged this night in opposition to the Claims of Mr. Palmer, which I can scarcely conceive the right hon. gentleman serious in offering to the consideration of a British house of commons; namely, the amount of those Claims. Sir, the sum mentioned, 100,000*l.* has no other foundation but in the unworthy motive of deterring gentlemen by its amount from supporting the motion. Surely it is enough that we have so long withheld from an individual that which is so honestly his due: but that we must make the very extent of this injury a pretence for further injustice! As well might the mortgager who neglects the punctual discharge of his obligation, resist the settlement of the arrears on the ground of its accumulation. Why, sir, in fairness and in equity, Mr. Palmer has the most unqualified right to the compound interest upon the money so unjustly detained from him; and I assert, without the fear of contradiction, that an English jury would award it to him.—The right hon. gent. has also expressed his apprehension, that if this Claim is once admitted, no future session will pass without similar applications. Sir, I do trust for the credit of the country, that no parallel instance of national ingratitude can rise up to cover any future minister with the shame and disgrace which must accompany it, but if, unfortunately, any such should exist, let them be produced; the sooner we wash from our hands the spots which contaminate them, the more consistently with the honour of the country, and the justice and dignity of this house, shall we act. We must acknowledge, that a gross injustice has been done: let us not then add oppression to injustice, and stifle the cries of the victim with an aggravation of his injuries, and an insult on his feelings.—Sir; I do most solemnly adjure the house to reflect seriously before they come to a decision upon this affair. This is no common debate; it is, thank God, no party question; it is one in which our dearest interests are involved; it is one in which ministers, as the guardians of the public faith, no less than of the public purse, are concerned; and let them beware of impressing this notion on the public, that the word of a minister is less sacred, less to be depended on, less safe, than the contract of the most abject individual.—I beseech gentlemen to consider that it is not only in this house, but out of it, that our conduct to this individual is the subject of discussion and judgment. All are aware of the equity of these Claims. The services of Mr. Palmer are daily and hourly experienced by all ranks and descriptions of people, and I feel satisfied that there is not an individual in the country who would not chearfully subscribe his mite to the discharge of so just a debt.—But sir, I have no fears for the issue of this motion. I feel confident, that the vote of this night will rescue the nation from an ignominious breach of faith, and evince to our constituents, that though justice should be banished and driven from the breasts of ministers, here she will ever find a sacred and hallowed refuge. If ministers know not or neglect their duty, if they violate the principles of justice towards the meanest individual, here they will be compelled to retrace their footsteps; for within these walls, it is not, I am sure, assuming too much to declare, that merit can never want friends, or the claims of justice and integrity successful advocates.

The *Solicitor General* (Sir Thomas Plomer) briefly observed, that it was his fixed opinion, that Mr. Palmer could establish no legal claim whatever to any part of the remuneration proposed; but that at all events, however wide a construction the liberality of the house might please to give the Agreement of per-centage, it was absolutely impossible for any man professing the least knowledge of the laws of his country, to maintain, that the salary of 1,500*l.* was to be considered due to him since the year 1793 ; as from that period to the present moment, Mr. Palmer had remained totally unemployed, and had not discharged any one of the official services for which that salary was originally given.

Mr. *William Smith* informed the house, that he had been fully acquainted with every particular relative to this business, at the time when the bargain was originally entered into between Mr. Palmer and the minister; and that he could assert from his own positive knowledge, that Mr. Palmer at that time considered himself to be forming an Agreement, which should stand independently upon its own merits, and not be liable to avoidance, upon any personal quarrel or misunderstanding between the parties. And he could also state, that from many communications had with Mr. Pitt, about the same period, he had every reason to believe the minister considered the bargain exactly in the same point of view.

Mr. *Peter Moore* said it was impossible Mr. Palmer could ever have intended to resign the positive Claim he had under the original Agreement, when he accepted of the appointment, and that it was a duty incumbent upon the country to prevent one of its greatest benefactors from reproaching them, not only with ingratitude but with dishonesty.

Dr. *Laurence* referred to the Evidence already before the house, for a thorough conviction that the bargain had been regularly and positively made ; and thought it would be exceedingly disgraceful to refuse a small compensation for a very large benefit already derived and permanently possessed.—The Question now being called for,

Major *Palmer* again rose, to state that he had considered it a duty to the Committee in the first instance to frame his motion upon their Report, but, in consequence of the difference of opinion expressed by an hon. member of it (Mr. Croker,) he should beg leave, for the sake of meeting their unanimity, and as far as he could that of the house, to withdraw his motion including the 1,500*l.* a year, and to substitute the Amendment for the per-centage only.

A division then took place on the amended motion, viz " Resolved : That it is the " opinion of this Committee, That Mr. " Palmer is entitled to his per-centage on " the net increased Revenue of the Post " Office beyond the sum of 240,000*l.*, to " be paid him from the 5th day of April " 1793, and during his life, according to " the provisions of the appointment of " 1789, deducting the sum of 3,000*l.* a year " received subsequent to the 5th day of " April 1793."

For the Resolution	137
Against it	71
Majority for the Resolution .	—66.

The house then resumed, and the Report was ordered to be taken into consideration on Monday the 16th.

HOUSE OF LORDS.

Friday, May 13.

[DEBTORS BILL.] On the second reading of this bill being moved by lord Ellenborough,

The Earl of *Moira* objected to its principle, which appeared to be this, that a debtor was to be subject to twelve months imprisonment for a debt of 20*l.* or under. This, he contended, was contrary to those sound principles of legislation which ought to regulate the law of debtor and creditor. Twelve months imprisonment was a severe punishment imposed for a great offence, and he saw no reason why an unfortunate debtor should be subjected to it. Another objection to this bill was, that there was no provision by which the fraudulent could be distinguished from the unfortunate debtor.

Lord *Ellenborough* contended, that his noble friend had in some degree misconceived the object of the bill, as it did not impose twelve months imprisonment upon a debtor; the creditor might release him sooner. The only object of the bill was, that after having been imprisoned for 12 months the debtor might demand his discharge. He admitted that there were no means in this bill of distinguishing the fraudulent from the unfortunate debtor, nor was it practicable, but at the same time it was not likely that such frauds would be committed for the sake of obtaining an amount of less than 20*l.* He could not consent to give up imprisonment for debt, which was the security to the creditor for obtaining his debt if it was to be had; and without such the creditor must frequently take the place of his discharged debtor, and commercial credit be destroyed.

Lord *Erskine* observed, that under the law, as it now stood, a debtor might be imprisoned for an indefinite time; but by the present bill he might, where the debt did not exceed 20*l.*, demand his discharge at the end of twelve months, his property being still liable; this, therefore, he considered as a great advantage to debtors of that description. There was, he thought, a great error in some of the arguments respecting imprisonment for debt, as they seemed to suppose that one-half of mankind were creditors and the other half debtors, whilst the fact was, that a great number of the creditors were themselves debtors, and if the security they had against their debtors was taken from them, must themselves become insolvent.

The *Lord Chancellor* also supported the bill. He had some doubt as to how far it might tend to weaken the security of the creditor, but he thought it an experiment worth trying.—The bill was then read a second time.

HOUSE OF COMMONS.

Friday, May 13.

[PETITION RESPECTING THE REPORT ON DISTILLATION FROM SUGAR.] General *Gascoyne* presented a petition from the gentlemen, clergy, merchants, and other inhabitants of Liverpool; setting forth, "That the said town essentially depends for the supply of bread to its numerous inhabitants, and a large and populous district in the interior of the county of Lancaster, upon importations of corn and flour from other parts, and that a large proportion of such supply has heretofore been derived from foreign countries; and that, of late, in consequence of the unhappy situation of the continent of Europe, and the embargo which has taken place in the U. States of America, the importation of foreign corn and flour has ceased, and the prices of these articles have advanced considerably, and are still advancing, while, at the same time, from the stagnation of trade, and the consequent want of employment, and depreciation of wages, the labouring classes of the people are become less able to purchase these necessaries of life at a high rate, or even more reasonable rates, as fully appears by the Report lately made of evidence taken before a committee of the house, ordered to be printed on the 12th of April last, on the Petition of certain cotton manufacturers and journeymen cotton weavers living in the county of Lancaster; and that, from the united operation of these circumstances, the petitioners have been, and continue apprehensive of much distress amongst the poor in that populous town and county; and it was with peculiar satisfaction that they observed, in a late Report of a committee of the house, the recommendation of what the petitioners humbly deem a wise measure of precaution loudly called for by the existing situation of the country, namely, the suspension of the use of Grain in the Distilleries of this kingdom, and the restriction of them to the use of Sugar for a limited period; and that, in proportion to the satisfaction of the petitioners in so well-timed a recommendation, is their regret in perceiving that meetings have been held, in some parts of the country, for the purpose of obtaining petitions to the house against the measure in question, as calculated to injure the farmers, and discourage agriculture; and that the petitioners humbly contend that this measure cannot produce those effects, as it appears, by the Report of the committee, that, on an average of the last five years, the importation of foreign corn into Great Britain has not been less than 770,000 quarters per ann., which must, of course, have found a consumption, but which can no longer be imported, while the quantity of corn used in the Distilleries of the United Kingdom does not exceed 780,000 quarters; and therefore the corn to be excluded from the Distilleries by the proposed measure, supposing it to extend to Ireland as well as Great Britain, will only supply the place of the quantity hitherto imported from foreign parts; and that, in addition to the usual foreign supply (of which a large proportion has been received at Liverpool), there has been imported into that place from Ireland, on an average of the last five years, 242,525 quarters of corn, flour, and oatmeal per annum; that, during the period now past of the present year, this usual supply has been greatly diminished, and in place of a continuance thereof at this time, orders for the purchase of considerable quantities of wheat and oats have been received by merchants in Liverpool from millers and others in Ireland, at unlimited prices, to be shipped from thence for the supply of districts in that part of the U. Kingdom, where scarcity appears to be apprehended; and that large supplies of corn are annually received at Liverpool from Scotland; that these supplies, during the present year, have been much less than usual, owing to the deficiency of the last crop in several quarters of that part of the U. Kingdom, all which tends to enhance still more the price of bread in that town, already too high for the labouring poor generally to afford, and particularly the manufacturing poor, from the present want of employment, and consequent depreciation of wages; and that, if any insuperable obstacles should prevent this restriction from being extended to Ireland, it appears there would then be a deficiency of 300,000 quarters of foreign supply, to be provided for, if possible, by an extended cultivation of the soil of the U. Kingdom, in order to meet the usual consumption of the country, without taking into the account the extraordinary supplies of corn, flour, and bread, which, in the present situation of affairs, must inevitably be wanted by the West India colonies from the U. Kingdom, as well as that our allies, the Swedes, being deprived of their usual supply of bread corn from the opposite shores of the Baltic, and their own growth being generally inadequate to their ordinary consumption, may at this time be compelled to resort to this country for supplies of barley, which, when mixed with rye, is, as the petitioners are informed, used for bread in times of scarcity in Sweden; and that, in the opinion of the petitioners, the prices of corn are likely to continue high, though they trust that the adoption of this measure will prevent them from becoming exorbitant; that the advantage of exorbitant prices even to the farmer is very questionable, experience having shewn that they terminate eventually in uncommon depreciation, while in the mean time the evils that ensue to the public at large are unquestionably great; and the petitioners feel assured that the house will deem the good of the whole to be preferred to a doubtful interest of one class of the people, however numerous and respectable, a class moreover which being protected, by a special act of the legislature, from the injurious effects of an excessive depreciation of the prices of corn in times of plenty, by bounties on its exportation payable out of the public revenue, ought at other times in fairness and justice to submit chearfully to such measures as may be necessary to guard the public against the contrary extreme of exorbitant prices, particularly in the present peculiar situation of the country, and unprecedented state of the continent of Europe; and that, with regard to the local interests of any particular districts in which barley may be chiefly cultivated, the petitioners conceive they have still less claim to be put into competition with a measure of general advantage; but they are of opinion that even the local interests of the barley countries are not likely to be materially affected by the proposed measure, for though barley is the grain chiefly used in the English distilleries, and though it appears there are some lands in this kingdom where no substitute for the crops of that grain can be resorted to without injury to the farmer, yet, on the other hand, it appears there are also lands on which barley is grown where oats would prove an advantageous substitute; and when the petitioners consider, that of the quantity of barley annually produced in England, only one sixteenth part, or thereabouts, has been consumed in the distilleries, they cannot doubt that such a change of culture might take place as would prevent barley from being reduced below its proportionable price, compared with other grain, or, if it should for a time be somewhat lower than its just proportion, it would soon, in the opinion of the petitioners, find a more extended consumption as bread corn, the effect of which must inevitably be to raise it to its natural level; in confirmation of which the petitioners are enabled to state to the house, that of late, in consequence of the advance of wheat and oats, as well as the reduction of wages, the lower classes in the county of Lancaster have begun to have recourse to barley bread, which they are not accustomed to use, except in times of scarcity and comparative dearness of other sorts of grain; and that the petitioners conceive the confining the operation of the measure in question to a single year, with a power vested in his majesty in council to put an end to it within that period if necessary, would be so guarded a proceeding as not to cause in the minds of those concerned the least feeling of alarm or apprehension; and that, although the petitioners are anxious to recommend the proposed measure to the house on grounds of general benefit, without reference to any partial interests, yet they cannot be insensible of its tendency to afford relief to the West Indian colonies in their present distressed situation, which has been shewn to have peculiar claims on the consideration of the legislature, and which, in the apprehension of the petitioners, affords a strong additional argument in favour of this measure, more especially as the preservation of the colonies from the ruin which threatens them is confessedly an object of the first national importance, as it appears the article of sugar alone pays an annual duty of above three millions to the country; that the manufactured goods exported annually to these colonies have exceeded six millions in value; and that this trade is one of the principal remaining nurseries for our seamen and of employment for our shipping; and therefore praying, that the house will pass an act to suspend the use of grain in the distilleries of Great Britain and Ireland, and to confine them to the use of sugar, for one year, from the first day of July next, subject to a discretionary power to be vested in the king in council, upon a sufficient notice, to do away the suspension, and allow the distilleries to carry on their trade in the accustomed manner."—Ordered to lie upon the table.

[PETITION AGAINST THE CURATES RESIDENCE BILL.] Mr. *Charles Dundas* presented a Petition from certain of the clergy resident in the county of Berks, taking notice of the Bill for making more effectual provision for the maintenance of Stipendiary Curates in England, and for their residence on their cures; and setting forth, "That the petitioners, impressed with serious apprehension of the fatal consequences with which the regular clergy and established church of this kingdom are threatened, if the said Bill should pass into law, consequences which they have maturely weighed, and as it became their duty, have anticipated with unimpassioned and unbiassed deliberation, humbly lay the following considerations before the house: That they are penetrated with the deepest concern in contemplating the probable injuries which the character of the clergy of the church of England will sustain as a body, from the suspicions which this Bill is calculated to inspire, suspicions which they conceive are unmerited, tending to lower them in the estimation of the people, and to alienate, if not to destroy, that sentiment of respect and attachment which has been hitherto observed towards the clergy, as an integral and important branch of our constitutional polity, a sentiment which is so eminently necessary to the preservation of our pure religion, as in church and state established; and it has not been without the most deep-felt sorrow that they have witnessed the unsubstantiated charges and invectives industriously disseminated and indiscriminately brought forward against the clergy of England, as a negligent and mercenary body, at a time too when their proved zeal and acknowledged efforts, during periods of unexampled danger, which menaced the security not only of the throne and altar, but through them the conservation of property and of the principles of moral order, ought, they have a right to hope, to have been justly appreciated, if not gratefully remembered by their country; and that in these times of unexampled pressure upon the moderately beneficed clergy, they cannot but consider as impolitic, unnecessary, and vexatious, any farther privations tending to destroy the almost solely remaining link which connects the higher with the lower orders of the people, a link which by communicating the wants of the latter to the notice of the former, keeps up an intercourse of benefits and gratitude between both; that the consequent depression of the moderately beneficed clergy, on the contrary, must approximate them too much to the poor to command their respect, and remove them at too great a distance from the rich to obtain their regard and due consideration; and that they conceive the unbeneficed clergy have every reason to be satisfied with the liberal allowance at present in the power of the bishops to assign them, inasmuch as they frequently enjoy resources from which incumbents in general are debarred, such as fellowships, lectureships, chaplaincies, and tuition in all its branches; and indeed they conceive the bill essentially defective in not marking the appropriate difference which obviously distinguishes payment from reward; and that in many instances it will be liable to the objection of giving more, in proportion to the duties performed, than is consistent with strict justice, as it will be found that in general the most valuable benefices are those which enjoy the greatest exemption from arduous duty, and indiscriminate charges of extravagant and disproportioned emoluments may apply to payments, but not to the nature of rewards, regulated by the distinction of age, learning, and dignity; and that this bill, they apprehend, strikes at the very essence of all property, permanent or usufructuary, which it is the fundamental principle and established practice of our constitution to preserve inviolate; and as the clergy hold their possessions, they are willing to hope, by as good a title as any other order in the state, if authorized resumptions begin with them, they cannot but suggest the alarming consequences which naturally force themselves upon the imagination; they beg leave also to point out to the house the infinite and much to be deprecated mischiefs which must ensue to them as a body, and to the unbeneficed clergy themselves, from those jealousies and animosities which may unhappily arise between the incumbent and his curate, a circumstance which cannot at all contribute to the practical harmony and edification of the parish, by rendering in many cases the curacy more desirable than the living, and by conferring that independency on the curate which will destroy the natural order of things, and create an inversion unprecedented in every other situation in life, of a deputy being placed above his employer, totally uninfluenced and uncontrouled by him; and that among the numerous evils with which in their estimation the bill is pregnant, the facility it promises to the diffusion of Sectarian principles is not the least alarming; the indignity to which the bill subjects the regular clergy, in authorising the complaints of the church-wardens to the bishops, may unhappily open a door to interested or malevolent misrepresentations, dictated by pique, selfish motives, or religious prejudices; and the divisions which may arise between the different orders of the clergy must infuse new vigour into sectarism, which will naturally derive an accession of strength from a weakened and degraded establishment; and that a bill therefore whose manifest tendency is thus materially to depress and impoverish the regular clergy of this land, they cannot but consider as impolitic as well as unjust, since the same stroke which is inflicted on them must through their sides wound, if not destroy, every other superior order of the state; and that they therefore presume to hope that the present situation of curates, where it is found inadequate to their services, will be suffered to receive that progressive amelioration which the present course and operation of circumstances are daily producing in their favour."—Ordered to lie upon the table.

[CROWN LANDS.] Mr. *Huskisson*, after a short statement of the object of his motion, moved a Resolution of the house, that in all Bills of inclosure, draining, &c. in which his majesty's interests, either in right of the crown or of the duchy of Lancaster were concerned, a clause should be introduced for the purpose of enabling the surveyor-general of the Crown Lands, or the chancellor of the duchy of Lancaster, to appoint a commissioner to superintend the carrying of the bill into effect as far as related to his majesty's rights.

Mr. *Whitbread* did not think a sufficient ground had been laid for a resolution which, in his opinion, went to impose unnecessary expence and inconvenience upon the parties to bills of enclosure. No instance of injury having been done to his majesty's rights had been stated by the hon. gent. He wished the motion could be deferred until the country gentlemen, who were those most nearly interested, should receive information upon the subject.

Mr. *Huskisson* replied, that many instances had occurred in which the interests of the crown had been sacrificed from the want of such a clause in bills of enclosure. He particularised one of these instances in the enclosure at Sherwood Forest. As to inconveniencing the parties to such bills, the fact was, that at present where his majesty's interests were concerned, a bill of inclosure could not be introduced in the house without the previous consent of the crown; the resolution which he proposed tended therefore to diminish this obstacle.

Mr. *Taylor* contended, that if the interests of the crown had in any case been sacrificed as the practice now stood, it must have been owing to the negligence of the surveyor general of Crown Lands, and surveyor-general of woods and forests, whose peculiar duty it was to examine bills of inclosure, that they might not trench on his majesty's rights. He could not give his consent to the Resolution, because it would load the parties to inclosure bills with a heavy expence, without at all benefiting the interests of the crown.

Mr. *Graham* spoke to a similar effect.

Mr. *S. Bourne* supported the resolution, and sir J. Newport opposed it.

The *Chancellor of the Exchequer* defended the Resolution. The interests of the crown and the interests of the public were one and the same; and any measure that tended to protect the one in this instance must tend to protect the other. He conceived, that the adoption of the Resolution, besides affording an additional security to the interests of the crown, would relieve those who had those interests more immediately in their care from what was frequently a very painful duty. The Resolution was then put and agreed to.

[LIFE ANNUITY PLAN.] On the motion of the Chancellor of the Exchequer, the house resolved itself into a committee, to consider of enabling holders of three per. cent. stock, to purchase Life Annuities.

The *Chancellor of the Exchequer* then rose, and addressed the chairman nearly as follows :—Sir, in consequence of the notice which I gave yesterday, I rise to propose to the committee certain Resolutions, for the purpose of enabling persons possessing stock in the 3 per cents. to transfer that stock to the commissioners for the reduction of the national debt, with the view of obtaining in its stead equivalent Annuities. Though the subject, sir, is of great importance, I do not think that at this moment the Resolutions will lead to any discussion, because I am not disposed to request that the house will form any opinion upon them this night. All that I intend is, after having briefly explained the nature of my proposition, to move the reading of the first Resolution pro formâ, and then to propose, sir, that you report progress. The whole of the Resolutions will be printed, and put into the hands of members as speedily as possible ; and I shall defer any motion for resuming this committee until next week, in order that full time may be given for the due consideration of the subject.—Before I proceed in my statement, I think it extremely necessary to guard myself against any misapprehension that might otherwise arise, with respect to the tendency of the measure which I am about to propose in regard to the Sinking Fund. I declare to the committee, that I have no idea, directly or indirectly, of diverting the operation of the Sinking Fund from its natural and proper object, the Redemption of the National Debt. I trust, therefore, that no preconceived opinion on this subject, will be allowed to prejudice the minds of the committee.—I shall now, sir, state the nature of my proposition, and the reasons which induce me to recommend it to the adoption of the committee. I mean to propose, that liberty be given to any person possessing stock in either of the great 3 per cents. (the Consolidated or the Reduced) to transfer that stock into the hands of the commissioners for the reduction of the National Debt ; and that on such transfer he be entitled to receive an Annuity for life, amounting to such a sum over and above the dividend on his stock, as an accurate calculation of the value of the principal so transferred will prescribe ; taking the stock at the current price of the day of transfer, and varying the calculation according to the age of the individual. On these last particulars, however, I must observe, that I would propose to limit the power of transfer to persons under 35 years of age, and the amount of the transfer to sums not less than 100*l.* each ; the former, because many impositions might otherwise be practised ; the latter, because the commutation of smaller sums would cause considerable trouble and inconvenience. The effect, sir, of this measure would, as I conceive, be not only to take out of the market all such stock as would become subject to such commutation, but also to secure to the nation the redemption of the funds so transferred, at the price at which they were when the transfer was made. The committee must be perfectly aware, that the operation of the Sinking Fund has recently very much increased the price of stocks. There is every reason to believe, that by the continuance of that operation, they will still further be increased in price. No one can doubt, sir, that if the measure were consistent with public faith, it would be extremely desirable to give to the nation an opportunity of redeeming the whole of the National Debt at the present price of the stocks, because that would preclude the effect which any future advance in the price of the stocks must have in retarding the operation of the Sinking Fund.—There are two objects which the Sinking Fund has in view; the one to provide for the final redemption of the National Debt, the other to keep up the price of stocks in the market, so as to enable government whenever the exigencies of the state may require it, to make an advantageous loan for the public. These objects, however, sir, are in some degree inconsistent. In some degree they counteract each other. Whatever measure raises the funds, and thus enables government to borrow on the best terms, prevents the commissioners for the reduction of the national debt, from reducing that debt on the best terms. Now, sir, the measure which I propose will combine both these objects ; it will naturally tend to increase the price of stocks, and it will at the same time secure the redemption at a low price, of so much stock as may be transferred antecedent to the rise produced. All this, sir, must be obvious to the committee, without any detailed statement, but, I wish to represent to them the manner in which the redemption of the debt will be affected by the purchase of annuities. Every person who transfers his stock to the commissioners, will be entitled to such an annuity as will be equivalent to the value of the stock, and of his life; the calculation proceeding on the principle that the sum which he would otherwise have received as interest, the additional sum granted as an annuity, and the compound interest on the whole, would redeem the sum originally transferred within the period to which the individual's life will be calculated as likely to extend. For instance, if a person were disposed to transfer to the commissioners 1000*l.* of 3 per cents. and upon the estimate of the probable duration of his life, and of the compound interest, it should be calculated that he was entitled for that transfer to receive twice the amount of his former interest, he would then have a right to an annuity for life of six per cent. or 60*l.* on the whole sum; the calculation proceeding on the principle, that the accumulation of the additional 30*l.* would, at the probable close of that person's life, be equivalent to the redemption of the stock originally transferred; and that at the price at which it was originally transferred. Now, if the stocks continued to rise, the redemption of that sum could not be effected without this measure. The whole merit, therefore, sir, of this plan rests on the accuracy of the expectation, that the stocks are likely to rise. I am ready to admit, that if the contrary should take place, the measure will have a tendency directly opposite to that which I expect. The subject which requires our most mature consideration is, whether, under the circumstances in which the country is placed, there is not good reason to believe, or rather to be certain, that a continuance in the application of the means which have hitherto been used to decrease the debt, will produce a continuance of the rise in the price of stocks. The committee will be surprised to learn, that since the negotiation for the last loan, there has been a rise in the funds of 6 per cent. on the stock, or between nine and ten per cent. on the capital. When the loan was concluded last year, the funds were at 62; they are now 68. If, therefore, the measure which I am now proposing had been adopted last year, then, of whatever quantity of stock which might have been converted into annuities since that period, the redemption would have been secured at sixty-two. I certainly do not expect, sir, that such a rapid progress in the price of stocks is to be calculated upon for the future; but I do say, that there is every reason to believe, whether we look at a state of war or of peace, that the accumulation of the Sinking Fund must inevitably keep up the price. If the blessings of peace could be restored to the country, the price of stocks would unquestionably rise. Peace has uniformly been found to produce that effect; it tends directly and most particularly to that object; for when there is no necessity for a loan, the Sinking Fund is left to operate by itself, without counteraction or embarrassment. The effect of the peace which succeeded the Treaty of Amiens, was to raise the funds from 59 to 77. At that time the capital of the debt was 478 millions, the sinking fund 5,800,000*l.* being an 82nd part of the debt: now, the capital of the debt is 586 millions; the sinking fund above ten millions, being a 58th part of the debt. If therefore peace were restored, there can be no doubt that the operation of the Sinking Fund must inevitably keep up the price of stocks. But, even in the case of a continuance of war, there is every reason to believe from experience, that the operation of the Sinking Fund will be sufficiently powerful, notwithstanding the counteraction of other circumstances, to keep up the price of the funds. If, therefore, in either situation, of peace, or war, there is good ground to believe that stocks will increase in price, it is a strong argument in support of a plan by which a considerable portion of the public debt may be redeemed, at the price at which the stocks may be antecedent to that increase.—There is another circumstance, sir, which the committee must take into their consideration in estimating the merits of this plan; it is the probability or improbability of persons being disposed thus to transfer their stock to any considerable extent. How far that disposition may exist I cannot pretend to determine; but this I know, that as far as it may exist, it will be advantageous to the public. It is very probable, sir, that many individuals would be strongly inclined to dispose of their stock for the purchase of annuities under circumstances which secured to them the acquisition of an increased income, free from any risk to their property, and without the expence and inconvenience attending other modes of obtaining a similar object. Under this plan, those individuals would enjoy more advantages, they would receive much better terms than in any negociation of a private nature, because the object of the plan is not to obtain for the public any profit from the sale of annuities, but as I have before stated, to secure the redemption of that part of the stock transferred, at the price which it may bear at the time of the transfer. Thus the full value would be given in the annuity, without any deduction whatever. It is my hope and confident expectation that in the present state of the finances of the country, I shall be able to procure loans in the 3 per cents. redeemable at 80, in which case, in the event of the funds rising above 80, I mean to propose that the stock so created shall not be transferable.—The right hon. gent. concluded with moving the first of the following Resolutions: viz, 1. "That it would tend to a more speedy and efficient reduction of the national debt, and would at the same time, be of material accommodation and convenience to the public, if every proprietor of three per cent. consolidated fund or reduced bank annuities were at liberty to exchange, with the commissioners for the reduction of the national debt, such bank annuities for a life annuity during the continuance of a single life, to be named by such proprietor; or for a life annuity during the continuance of the lives of two persons, to be named by such proprietor, and of the life of the longer liver of such two nominees. 2. That, in order to give effect to the aforegoing resolution, every proprietor of three per cent. consolidated or reduced bank annuities, who shall be desirous of exchanging any such bank annuities for a life annuity on the continuance of a single life, shall, on transferring to the commissioners for the reduction of the national debt any such bank annuities, be entitled, during the continuance of his or her life, or of the life of some other person to be named by him or her, to receive (under such regulations as parliament may deem it expedient to adopt) for every 100*l.* of such bank annuities, and so in proportion for any greater sum than 100*l.* of such annuities, transferred to the said commissioners, a life annuity of such annual amount, according to the age of the nominee, and the average price of such bank annuities on the nearest open day preceding the day of the transfer thereof, as is specified in the following table. (This table is printing.) 3. "That, in order to give further effect to the aforegoing resolution, every proprietor of 3*l.* per cent. consolidated or reduced bank annuities, who shall be desirous of exchanging any such bank annuities for a life annuity in the continuance of the lives of two persons, to be named by such proprietor (of whom such proprietor may be one), and the life of the longer liver of them, shall on transferring to the commissioners for the reduction of the national debt any such bank annuities, be entitled, during the continuance of such two lives, and of the life of the longer liver of them, to receive (under such regulations as parliament may deem it expedient to adopt) for every 100*l.* of such bank annuities, and so in proportion for any greater sum than 100*l.* of such annuities tranferred to the said commissioners, a life annuity of such annual amount, according to the respective ages of such two nominees and the average price of such bank annuities on the nearest open day preceding the day of the transfer thereof, as is specified in the following tables. (These tables are printing.) 4. That no person shall be admitted to be a nominee, either for the grant of an annuity for the continuance of a single life, or for the grant of an annuity for the continuance of two lives and of the longer liver of them, who shall be under the age of thirty-five years. 5. That the dividends payable in respect of the bank annuities, which shall be transferred to the commissioners for the reduction of the national debt, in exchange for life annuities, shall be received by the said commissioners, and shall constitute a part of the funds applicable to the reduction of the national debt; and that out of the said funds applicable to the reduction of the national debt, the said commissioners shall pay the respective life annuities granted in exchange for such bank annuities, during the continuance of the respective lives for which the same shall be payable; and that the said respective life annuities shall be payable half-yearly at the bank of England, on the same days on which the dividends on the stock transferred for the purchase thereof, may be payable in every year; that the first payment of every annuity shall commence on the same day on which the first dividend on the bank annuities so transferred shall be payable to the said commissioners; and that upon the death of any single nominee, or of the surviver of any two joint nominees, a sum equal to one-fourth part of the annuity dependant upon his or her life shall be paid to the person entitled to such annuity, or his or her executors or administrators, as the case may be, provided the same shall be claimed within two years after the death of such single or surviving nominee; and that the annual sum payable for every such life annuity so ceasing as aforesaid, shall thenceforth revert to and constitute part of the funds applicable to the reduction of the national debt. 6. That for the purpose of ascertaining the effect of the measure proposed in the aforegoing resolutions, with reference to the redemption of the public debt, a separate account shall be kept half-yearly, by the commissioners for the reduction of the national debt, of all bank annuities which shall have been transferred to them for the purchase of any life annuities, and of the dividends receivable by them in respect thereof, up to the period of such account; distinguishing therein so much of the said bank annuities as shall have been transferred in the course of the next immediately preceding half-year:—Also a half-yearly account of the amount of all the life annuities granted by them up to the period of such account, distinguishing therein the amount of the life annuities which shall have been granted in the course of the next immediately preceding half-year; and also of the amount of all the annual sums which up to the period of the said account, shall by reason of the deaths of nominees have reverted to the funds applicable to the reduction of the national debt, distinguishing therein the amount of such annual sum as shall have so reverted in the course of the next immediately preceding half-year, together with an account of the amount of life annuities then payable; and that in every such account shall be specified the excess in the whole amount of all the life annuities then before granted, above the amount of the dividends receivable in respect of all the bank annuities then before transferred for the purchase of life annuities; and also the excess (if any) in the amount of the life annuities then payable above the amount of such dividends.—And that a separate account shall also be kept half-yearly of the capital stock, which, up to the period of such account, shall have been redeemed by the application of the annual sums which shall, from time to time, have so reverted to the said funds, by reason of the deaths of nominees, and by the application of the accumulated dividends of the capital stock redeemed thereby:—Also, an account of the whole amount of 3*l.* per cent. capital stock, which up the period of such account, would have been redeemed by the excesses in the amount of the life annuities from time to time payable by the said commissioners, above the amount of the dividends from time to time receivable by them, in respect of the bank annuities, transferred for the purchase of such life-annuities, in case such excesses had been intermediately applied in the redemption of 3*l.* per cent. stock, in the manner prescribed by the laws now in force for the reduction of the National Debt."

Mr. *Windham* would not in the present early stage go into any detailed observations on the plan submitted to the committee by the right hon. gent., but merely rose to observe, that there was this obvious and fundamental objection to the Plan, that it did, in a greater or less degree, tend to vitiate the morals of the lower orders of the people. He was afraid that too many parents would be found, who would be very willing to sacrifice the future interests of their children to their own immediate gratification. The system of annuities was too generally attended with such consequences, and he saw nothing in the Plan of the right hon. gent. calculated to obviate such effects in the present instance.

Mr. *Brand* supposed a case in which five millions were transferred when the stocks were at 60; he then supposed, that by the natural progress of the price from the operation of the Sinking Fund, the stocks would reach 65, but that by the accelerated progress, in consequence of removing so much from the market, they would rise to 70: in that case he contended, that no advantage would be derived from the measure, but rather that it would be injurious.

Mr. *Tierney* deprecated the facility which the Plan proposed to afford to persons in the lower walks of life to do that which would be highly injurious to their families. At the same time, he did not believe that there was in this country any considerable body of people who would be disposed to avail themselves of the Plan. Persons of high rank could with ease obtain annuities at the present moment, on landed security. Mr. Pitt had tried a similar Plan in 1783, which intirely failed. Every thing led him to believe that capital and increase of capital were the objects of the day, and was it probable that a person who had hitherto preferred capital to interest, should all at once change his plan, and prefer interest to capital; and that, too, precisely at the moment when the chancellor of the exchequer was assuring him that capital would rise in value? It appeared to him also (although he only stated it without meaning to infer that such a step, under some circumstances, might not be adviseable), that the Plan would be a violation of the act of parliament, respecting the reduction of the debt, and consequent infraction of faith with the public creditor. It was well known, that the stocks were kept up by the periodical presence in the market of the commissioners for the reduction of the debt, who were bound to make certain purchases on certain days, whatever might be the state of that market. If, however, these annuities were granted to a considerable extent, that part of them which exceeded the interest, must diminish the disposable sum in the hands of the commissioners for the reduction of the debt. The consequence would be, that the effect now produced, and which he had just described, would be materially lessened; and the person who bought stock last week on the faith of the act of parliament, by which he expected that his property would soon be very much increased in value, would thus find himself deceived. The right hon. gent. had stated his expectations, that he should be able to make loans in the three per cent. stock redeemable at 80. What advantage would be derived from this he was at a loss to comprehend. In proportion to the sum at which it was to be redeemable by the contractor, would the contractor raise his original terms. He did not mean to derogate from the merits of the right hon. gent., but he could assure him, that he never yet knew any chancellor of the exchequer who was a match for the gentlemen in the city, where their interest was concerned.

Mr. *Rose* contended that the plan of his right hon. friend would be beneficial to the individuals who should transfer their stock for annuities, in as much as it would secure their annuities without any of the difficulties of recovery attending annuities charged upon lands. The public funds would therefore be preferred; and that the practice of purchasing under this plan would not be injurious to the public, was apparent from the circumstance that the short annuities had lately afforded an opportunity of making such purchases. He did not believe that any instance had occurred in which a parent had deprived a child of its inheritance in order to increase present income by sinking capital in such purchases. The general advantages of the Plan would greatly outweigh every evil that could possibly result from its operation. The Tontine Plan of 1783 was not in point, because there, present means were to be given up for future advantage; whereas, here the reverse was the case. This Plan might not be within the strict letter of the act, but he was persuaded it was within its spirit. When the Resolutions proposed by his right hon. friend should be inspected, as they would before the house would be called upon for any decision, he was convinced, that they would be considered as calculated ultimately to accelerate the redemption of the debt.

Lord *H. Petty* allowed that, though in peace, capital might be withdrawn from the funds to be employed in commerce, yet the funds would rise, as no loans would then be wanted. However, looking, as they ought, to the general principle in such discussions, their measures should be framed, so as to meet any sudden shock, which might, by possibility, occur to depress the price of the funds. The plan of the right hon. gent. would hold out greater inducements to persons having lower capitals to purchase, than were to be met with in the course of fair trade. The effect would be, that a bonus would thus be given by government upon the transaction, and that the lower and middle classes would thus avail themselves of the profit held out by government. It was well known that where annuities had been encouraged by government to any extent, they produced a direct effect upon the morals of the country. The *rentes viagères* were a proof of that. In that instance, Neckar granted the annuities on the terms of the fair trade, but here an advantage beyond that was to be given. He thought it, too, somewhat extraordinary, that this advantage should be held out at a time when an additional tax was to be laid upon Life Insurances. The latter were dictated by every principle of prudence, providence, and foresight, whilst the purchases under the right hon. gent.'s plan would be the very reverse. But the effect of this plan and of the tax upon Life Insurances would be detrimental to the interests of the country. He was not prepared to say whether the plan would interfere with the spirit of the act, but undoubtedly there might be occasions upon which it would be proper to make modifications which might trench upon the letter of it. The Sinking Fund did not produce all the advantages that flowed from its operation by the quantity of the debt it redeemed, but the manner in which it was redeemed, by the proceeds of that fund brought into the market weekly or monthly.

Mr. *Huskisson* defended the Plan of his right hon. friend. It gave no bonus to persons for investing their capitals, to the prejudice of their families. The scale was calculated upon the usual principles of the probabilities of life; and as to the effect it might have upon the morals of the public, it should be recollected, that the short annuities, which had lately fallen in, to the amount of 4 or 500,000*l.* per annum, had been in the market, and had been in the market without producing any such effect, though upon the principle of the gentlemen opposite, they were much more dangerous, as they required a larger proportion of capital to be sunk. There were numberless cases, in which it would be desirable for parties to purchase annuities for lives other than their own, and there were every day to be met many ruinous modes of accomplishing that object. In the present state of this country, there were many cases of persons, who, without injury to the interests of others, would purchase annuities, and the plan of his right hon. friend would enable them to do that at the fair money value of the funds at the time. His right hon. friend had stated only, that considering all circumstances of peace or war, there was a greater probability that the price of stocks would rise than fall, and as the average price of the redemption of the funds would be nearer to 80 than the present price, all the rise above the present price would be so much gain to the public.

Mr. *Davies Giddy* spoke shortly, as nearly as we could collect from the low tone of voice in which he delivered his sentiments, rather in terms of approbation of the plan.

Sir *John Newport* observed, that this plan certainly held out superior advantages to such as should be disposed to take advantage of it; and deprecated the holding out any inducements to the lower classes to speculate in annuities. The finances of France had been in an embarrassed state at the time of resorting to the *rentes viagères*, but that was not the case in this country at present, and it was dangerous for the state to speculate in such transactions. If there were vices in a country, government ought not to partake of them. In France there had been many instances of persons who sacrificed the interests of their posterity for their own immediate gratification. That was not consonant to the feelings of the people of this country, and he should therefore deprecate any measure that would have the effect of assimilating the habits and morals of this country with those of France.

Mr. *A. Baring* considered the statement of the chancellor of the exchequer perfectly clear but upon one point, the mode of calculating the value of lives. If the calculation was founded upon the tables of life, it would be a bad calculation for the public, because these tables were formed upon the ordinary probabilities of life, and the lives insured would be picked lives. He did not think the plan would succeed to any extent, and he trusted it would not. A great part of the rise of the funds which had taken place since the last loan, had been produced by the stagnation of trade. The return of peace would, by giving other employment for capital, keep down the rise of the funds that would be produced by other causes. But, he apprehended that the funds would fall in consequence of a defalcation of revenue arising from the stagnation of trade. The plan upon which loans had hitherto been made in this country, was to procure them at a low rate of interest, and to give the individual the chance of the rise. Thus the burthen was laid upon posterity to relieve the present generation. The plan of the chancellor of the exchequer was the reverse, borrowing at five per cent. whereby we should have more interest to pay, and posterity less capital to redeem. He had not so sanguine a view of the state of the finances of the country as to think this change desirable.

Mr. *W. Smith* could not abstain from bearing his testimony to the immoral tendency of this plan. In all cases where government profited by the vices of the country, it connived at them. Thus it was that it was easier to procure licences for all the ale-houses in the country than to suppress one; and to the profit government derived from the stamp duty upon them, it was owing that the country was so deluged with quack medicines. The same principle applied to all the mountebank exhibitions which saluted the eyes of the public in every street of this city. When government profited by the vices of the country, it was not so zealous in suppressing them. He looked upon these annuities as a moral poison which should not be circulated.

The *Chancellor of the Exchequer* thanked the hon. gentlemen opposite for the candid manner in which they had shewn their attention to the plan he had proposed. Gentlemen had talked of the immoral tendency of his plan, and of the effect it would have in changing the character of the country. They considered the purchase of annuities as a vice that ought to be put down. If parents purchased annuities for their own lives to the prejudice of their children, that, he admitted, would be wrong, and ought to be discountenanced. But would it not be proper for a parent to purchase an annuity for his child or for his widow, if the circumstances of his property would not admit of any other provision? It would be idle to provide small annuities, suppose for servants, or for a widow, on the security of land, when the expences of settlement, and perhaps of recovery, would render the provision of no avail. No lure was to be held out to any description of persons; the calculations were founded upon the common principle, and there were every day much greater temptations held out without any security. Instead of having an immoral effect, the plan would afford an opportunity of acting upon the principles of humanity and good nature, in making a provision for friends. He should not be partial to the measure, if it would tend to alter the national character. But upon every consideration he could give it, he found the balance of good greatly preponderate over any evil that might be likely to arise from its operation. He had omitted to state, that one of the Resolutions contained the principle of the calculations, and the scale of purchases, and that they had been framed, not only upon the table of lives, but upon communication with those most intimate with such subjects. It had been said, that the plan would interfere with the operation of the Sinking Fund, but that must have been a mistake; because, if its operation were to amount to a million of annuity, the whole sum transferred for that would go to the commissioners, and add to the amount of the redeemed stock, whilst the amount of the Sinking Fund would be affected only to the small extent of the additional annuity created. The plan might, perhaps, interfere with the letter of the act, but was certainly within its spirit, and this was one of the cases in which the hon. gentlemen had admitted that the letter might be departed from.—The first Resolution was then agreed to, and the chairman having reported progress, the committee was ordered to sit again on Thursday.

[LOCAL MILITIA BILL.] Lord Castlereagh moved the order of the day for the further consideration of the report of the English Local Militia bill, and having moved that the bill be recommitted, the house resolved itself into the committee.

Mr. *Babington*, with a view to the more certain and efficient training of the people, proposed an amendment, rendering it compulsory to call out the quotas under the bill as speedily as may be.

Lord *Castlereagh* thought it might be safely left to the discretion of government to carry the training into effect with all convenient speed. He, however, was willing to accede to the hon. gent.'s proposition, with some verbal amendments.

Mr. *Windham* thought the burthen of the training and regimenting too great to impose on the people till there was a prospect of its being wanted. It was the merit of the Training act, that it gave the power of calling out the people when they should be wanted, and imposed no burthen in the intermediate time. If any hon. gentlemen were so much in love with the present measure, that they wished it to be executed without delay, the best incentive was to indulge them with the enjoyment of the ballot as soon as possible.

Mr. *G. Vansittart* thought so large a ballot as this measure required, would be intolerable and impracticable. He wished the lists to be made out, and the ballot to take place at the same time for the local and the general militia, in order to avoid the unnecessary repetition of the bustle and confusion attending that proceeding.—After some further observations, the Amendment was agreed to as modified on the suggestion of lord Castlereagh.

Sir *James Montgomery* objected to the balloting plan of the noble lord, and proposed that the young men should be taken from the age of 18 or 19, to that of 25; that they should be trained for 3 months the first year, and that the time in the subsequent years should be diminished as they advanced in proficiency; that when they had passed the age of 25 they should be exempted from the service, so that the rotation should depend on the age and not on ballot. He described the advantages of having the services of these young men, who would be much easier trained, and with a much less burthen to the nation, which would have fewer wives and families to provide for. It would be much less harrassing to the country than this ballot.

Lord *Castlereagh* observed, that this would entirely destroy the system of quotas, and the hardship would fall very unequally on the counties, unless the hon. baronet meant that the whole of the volunteer establishment should be immediately abolished. This would, besides, be attended with difficulties in the execution, much hardship, and other disadvantages, to which he did not see it necessary at present to subject the country.

Mr. *Windham* approved of neither of the plans; but of the two, the hon. baronet's was certainly preferable, as along with the burthen on the public it would be in some degree efficient, whereas the noble lord's would do nothing more than impose an useless burthen. The hon. baronet was for dissolving the volunteers. The noble lord was for wasting them by degrees; he was for drilling them, secundum artem: his object was to transfer them to the local militia; he intended to bribe them to come into this militia, and to induce the officers, by giving them rank, to bribe the men to accompany them. This was his mode of proceeding with those to whom he had so often said he was willing to trust the fate of the country: why did he not trust them now? He had within 50,000 of all that he had before of volunteers. But the noble lord was obliged to have recourse to this transfer, and to adopt some of the very methods he had so loudly condemned, and all this after the calumnies which he had propagated against the proceedings of the late administration on this subject. He did not at all approve of the method of training proposed by either of the plans. It was impossible to train the people, so as to bring them in regiments against the enemy, under officers as ignorant as themselves. What he had proposed was to teach them the mere elements, to handle their arms and to fire powder. But his great object was to have them enrolled, so that they might be called upon, in case of emergency, to join the regular troops under experienced officers.

Colonel *Foley* thought this a very fair bill, as it went to call upon those counties to do their duty, who had not furnished their proportion of volunteers.

Lord *Castlereagh* mentioned, that he intended to propose that there should be an instruction to volunteer corps that were full, to admit as supernumeraries persons who chose to pay half the fine, and go into a volunteer corps, in order to be exempted from this service.

Mr. *Windham* observed that this was forcing into volunteer corps those who were no volunteers.

Mr. *C. Wynne* rather approved the bill, so far as it went; for a more permanent force than the volunteers was necessary. Yet he would have prefered a conscription of the young men from 18 to 25 to the method of ballot. A conscription, he affirmed, would be much more efficacious and less distressing than the ballot, for the duty would then be certain and unavoidable, whereas the system of ballot was attended with the most tormenting anxiety and uncertainty, and was calculated to introduce a system of perjury, that would be of the most calamitous consequences to the country.

The *Secretary at War* observed, that on that plan, all ranks must be confounded, and this would be felt as an intolerable grievance. The present mode of exempting persons, by fine and service in volunteers, would have the effect of bringing into the local militia those who were most fit for such a situation.

Mr. *Wynne* observed, that he had meant that the volunteers should be open to those who chose to serve in that way.

Mr. *Wilberforce* thought that the hon. baronet's plan was preferable, and he was sorry the principle had not been acted upon as it had been detailed by a noble writer (lord Selkirk). But the amendment proposed by the hon. baronet would go to change the principle of the present bill, and could not, he apprehended, be adopted in the committee. He must, therefore, oppose it as being brought forward at an improper period. If, however, it should be proposed at a time when he could, consistently with the usages of the house, support it, he would do so, for he was convinced it would, more than any other plan, give security to the country, and contribute to the restoration of peace.

The house then divided. For the amendment 41; Against it 146; Majority 105. —Several verbal amendments were made in the different clauses, and a considerable deal of discussion took place. — The house then resumed, the chairman reported progress, and obtained leave to sit again on Monday.

HOUSE OF LORDS.

Monday, May 16.

[INDICTMENT BILL.] The *Lord Chancellor*, upon the motion for the second reading of this bill, intimated, that many noble lords had been under a mistake, respecting the day appointed for its discussion, having understood that it would take place on Wednesday; and as it was a bill of great importance, he trusted their lordships would agree with him in the propriety of discharging the order as it then stood, in order that it might take place on Wednesday.

Earl *Stanhope*. My lords, I perfectly agree with the noble and learned lord that this bill is a measure of the greatest importance, and that it would be proper that the discussion be deferred till Wednesday, but then I earnestly implore that those noble lords will attend on that day. I should also have concurred with that noble and learned lord, if he had further said, that there never was a more infamous bill brought up from the house of commons, for it has a tendency to destroy the Trial by Jury; nay worse, to render that trial ridiculous.—The motion was agreed to.

HOUSE OF COMMONS.

Monday, May 16.

[FIRST FRUITS IN IRELAND.] Sir *John Newport* rose, in pursuance of his notice, to move for leave to bring in a Bill for the more equal valuation of the revenue of the First Fruits in Ireland, and for the due collection thereof. In doing this, the right hon. gent. took occasion to state the grounds upon which he proceeded. By the Returns made by the Archbishop of Cashel, the whole annual amount of the First Fruits at present collected was merely *350l.* per annum, a sum wholly inadequate to the object originally in the view of the legislature, which was the augmenting the benefices, and otherwise improving the livings of the poorer clergy. It was on that account that he wished to render more effectual what the bounty of the crown had destined for such a benevolent purpose. It would be sufficient to state to the house, that a large proportion of the parishes in Ireland were not at all valued, and therefore contributed nothing towards the object in view. He might reckon, that there were 1,500 parishes, whose First Fruits were valued, while there were about 900 remaining still unvalued. The valuations had taken place at so early a period as the reign of queen Anne, and therefore bore no proportion to what they now ought to be. It was his intention to propose that the payment of the First Fruits should not attach to any living that did not amount to *250l.* per annum.—From every calculation he had been able to make, it appeared to him that the revenues of the First Fruits, when properly valued and collected throughout all the different parishes, after deducting all expences, would produce between *20,000l.* and *30,000l.* per annum. This sum would be the means of increasing the poorer benefices of Ireland; and he thought it would be more proper in the legislature to look to this mode of making that fund productive, than to pay out of the treasury a sum of money for that purpose, which would affect the body of the people, without any reason or ground being first laid down. It should not affect any of the present incumbents, so as to be a burden upon them. Upon the whole, he could not help thinking that the measures which he proposed would be attended with very salutary and most beneficial consequences. The right hon. baronet then concluded with moving for leave to bring in the said bill.

Sir *A. Wellesley* opposed the motion. He said he believed the valuation that now existed had taken place in the reign of Henry 8, and one great consideration now was, whether the clergy were not in general already sufficiently provided for? He thought, at least, that there were many already sufficiently provided for, while others were not so; but the measure now proposed would go to benefit them all equally. It was true that many of the clergy did not pay the First Fruits, but the inequality in that instance was so exceedingly small, that it was not worth while to alter the valuation; the more especially as there were other funds for enlarging glebe houses in Ireland; and the sum now proposed to be granted in addition for that purpose, not being very large, he believed the house would think with him, that there was no ground for agreeing to this bill.

Mr. *C. Wynne* said, he certainly thought the object of the proposed bill was of such a nature, that every one ought to agree to it. The right hon. general did not deny that the benefices in Ireland were exceedingly unequal; the superior clergy being well provided for, and the inferior not so. That appeared to him to be the chief, if not the sole ground for this bill. Its object was to obtain the First Fruits revenue in the manner originally intended, and to apply it for the advantage of the smaller description of the clergy. His right hon. friend had stated, that he meant to exclude those clergymen from payment of the first-fruits, whose benefices did not amount to 250*l.* a year. He was as much disposed as any man to resist an innovation upon church property, but this was a decided payment, which, from the earliest times, the church had been liable to; and all that was aimed at was, a new valuation, to which they were by law to be subjected. The crown had wisely and liberally granted this in the reign of queen Anne, for purposes the most useful and the most important, and parliament were now only called upon to give efficacy to former legislative measures, which had become as it were a dead letter, and an unavailing instance of generosity. It was a perpetual fund, which would increase from year to year. The chancellor of the exchequer had formerly said, that it was desirable that every resident clergyman in this country should not have less than 200*l.* a year. He thought this would also be extremely desirable in Ireland, and it would be the best mode of discouraging the Roman Catholic religion. This was exactly such a measure as would raise the respectability of the Protestant Church.

Mr *Foster* said, that the proposed bill would go to tax the clergy between 20,000*l.* and 30,000*l.*; the First Fruits now only producing about 3000*l.* The taking of 30,000*l.* out of the pockets of the clergy was an object of such magnitude, and so injurious, that he could not agree to it.

Mr *Horner* said, he owned he felt much surprise at the opposition that had been made to this measure, the more especially when it was made upon a motion merely to bring in the bill. After the discussions that had already taken place in that house upon measures brought forward by the chancellor of the exchequer to encourage the residence of the clergy in England, he could not help thinking it was equally desirable to encourage that residence in Ireland. Gentlemen appeared to oppose this bill upon wrong principles and misstatements, as the object of it was not, as they alleged, to impose a tax upon the clergy, but to effect an equalization of the smaller livings and to levy that which the clergy were already bound by former acts to bestow in a more impartial manner. He denied the proposition that the former valuation was to be the standard of future proceedings. The trustees had the power of renewing that valuation whenever it became necessary. As he understood it, the English act of parliament of the 28th of Henry 8th, was extended to Ireland, and by it a valuation was to take place, from time to time, by the keeper of the great seal, the master of the rolls, and other officers therein named. So from this it appeared, that the statute law of the united kingdom empowered the crown to make this valuation. Such was the avowed object of the present bill, and it should have his hearty support, as it could never be supposed that the sum of 3000*l.* a-year was all that ever was in view to be raised by the bounty in question.

Dr. *Duigenan* opposed the measure. He insisted that the bill went to raise a revenue out of the pockets of the clergy of Ireland, under the idea that it would promote their interest, by first taxing them in order to procure the fund. The churches of Ireland and of England were declared to be one and indivisible, and therefore why put the clergy of Ireland upon a different footing from those in England? If there were to be any new valuation, it ought to extend to England as well as to Ireland. A bill similar to this one had been proposed in the house of lords some years ago, by a great and eminent prelate, but it was soon quashed. It would reduce the clergy in Ireland, great and small of them, to the greatest distress, if such a bill as this passed the house. It would be a charge almost insupportable, as a poor man would be nearly 3 years before he could reap any benefit from the glebe house he might have erected. Although those who opposed this measure were alledged to be wrong in point of law, yet he could inform its supporters, that it was formerly complained of as a great grievance, when Henry 8 abolished the Pope's power in this country, a new valuation of the First Fruits was made for the king's benefit. Nevertheless this fund was not the property of the crown at all; so that neither the keeper of the great seal, nor the master of the rolls, could at all exercise any controul over it. It was a fund purely belonging to the poorer clergy. The bounty of the crown was only 5000*l.* a-year for this benevolent purpose. Upon the whole, although more was now thought necessary, yet this, of all others, would be the hardest mode of raising it; and he trusted such a tax upon the clergy would never be entertained by the house of commons.

Mr. *Ponsonby* said, that it was quite an erroneous statement to say that this measure was to raise a tax upon the clergy to the amount of 30,000*l.* a-year. It did not do so; but the effect of it would be merely to raise from the higher order of the clergy that which the legislature had wisely bestowed upon the poorer, without inflicting any additional taxation upon the people at large. The measure was purely prospective, calling on the great preferments in Ireland to contribute a certain proportion to support those of the clergy who have not wherewithal to live upon. His right hon. friend did not, in the bill for which he then asked leave, take upon himself to fix any estimate, or to apportion the amount this fund ought to pay for pious purposes. It solely proceeded upon this fair and equitable principle, that those of the ecclesiastical order, who received a great deal out of the church of Ireland, ought to be compelled to advance something towards the support of such of their own order, who scarce had what was necessary for the purposes of life. The objections of the learned doctor (Duigenan) were anticipated by the statement of his right hon. friend. The learned doctor had asserted that it would, in its operation, load the clergy of Ireland with an exorbitant amount of taxation. The answer was, that the amount was solely left to the discretion of the house; the bill did not take upon itself to fix even any scale of appropriation. But the principle was necessary, and when acknowleged, then it was for the house to settle the detail. That the principle was necessary, every man acquainted with the state of Ireland must admit. There were, to his own knowledge, two bishoprics, each producing an income of 20,000*l.* per annum, and neither of which paid a single farthing, to the fund of First Fruits. Would any man then say, that a new valuation was not necessary, and that such preferment ought not to contribute to the maintenance and augmented comforts of the poor of their own order? It was far from the fact to say, that the proposed bill was an innovation, or that it trenched upon the rights of the Irish clergy. It only followed up an old and sanctioned law of the country, and was calculated to advance the interests of the established religion in that country. There was no man in that house less inclined to trench upon the property of the church, because he felt it had as good a title to security as any other species of possession. This bill had no such object, it did not attempt to apply that species of property to any foreign purpose. It was not to serve the laity, but to provide a due provision for those of their own calling, to whom, both a sense of interest for religion, and a feeling of sound policy, ought to administer competency and comfort. The learned doctor had argued, that, because some years ago, a reverend prelate had been unsuccessful in a measure similar to the present, therefore the motion of his right hon. friend ought to be refused. Such an inference was totally inconclusive; as the usage of parliament never could warrant this doctrine, that it should, on all subsequent occasions, refuse the adoption of a measure, merely because previous parliaments did not feel the propriety of acceding to some of a similar nature. The provisions of the proposed bill would be fully within the controul of the house, although it should accede to the present motion. But if, on the contrary, the house should, in the present stage, determine on the impropriety of submitting it to parliamentary discussion, then it would have adopted this principle, that in the regulation of the church all interference was improper. What would the right hon. the chancellor of the exchequer say to such doctrine? He who felt so warmly the necessity of some measure of church reform, and had actually before the house a measure of legislation, which went to take from the property of the rector of a living of 250*l.* a-year? He had descanted upon the justice and propriety of such a reform. He had allowed no fear of innovation nor apprehension of disturbing or burdening church property, to interfere, or to retard this his favourite scheme; and surely if there was any parity in reasoning, or any consistency to be pursued, he must feel the necessity and the justice of the bill which his right hon. friend had now asked leave to introduce.

The *Chancellor of the Exchequer* observed, that he was by no means inclined to retract or to qualify any one opinion which he had advanced in the support of the measure (the Stipendiary Curates' bill) to which the last speaker adverted; still he considered the bill now proposed a most oppressive mode of regulation, burdening the clergy with a severe imposition of taxation. In this country it was felt, upon a person being preferred to a bishopric or great living, that at least the product of three or four years of his income was anticipated by the expenses which, on his induction, he had to defray.

Mr. *Maurice Fitzgerald* (Knight of Kerry) advised the chancellor of the exchequer to pause before he rejected a measure which, if refused, must lead to a full investigation of the state in which the Irish church was placed. He proved, from an historical review, that the act of Queen Anne, by which the fund of first fruits were made available to the erection of glebe houses, and to the promotion of pious purposes, had been received by the clergy of that age as a great boon; so much so, that there existed a great competition with respect to the organ through which they should convey their thanks to the throne. There was no man who so well knew the necessity for the proposed measure as the learned doctor. He knew the deficiency of glebe houses in Ireland, and that such deficiency was, at all visitations, the pretext and excuse for the non-residence of the clergy. Was the house only to recognize this doctrine, that whilst the unhappy peasant of Ireland was oppressed with burdens and extreme taxation, the great, enormous, and lucrative incomes of the clergy, were not to pay any proportion, even to the support of the poor of their own order? The livings in Ireland had been united for political purposes; indeed, their object appeared to be rather to procure situations for political partizans, in place of provisions for religious pastors, and the diminutions of the Protestants in that country was principally to be attributed to that system of policy. He concluded by assuring the house, that the refusal of the present measure would provoke a discussion, which would perhaps be not the most serviceable to the interests of the Church establishment in Ireland.

Sir *John Newport* replied to the objections of those who opposed his motion. He wished to know upon what grounds the house could refuse a measure, which only went to make a fund, fixed by parliamentary enactment, for the purpose of building glebe-houses in Ireland, avaliable to the import of the statute of queen Anne, and to the object of the parliament, by which that law was passed? The objections of that night were against the detail, and must have been created only for the purpose of making objections, as in his statement he had given no reason for such apprehensions. The learned doctor (Duigenan) had asserted that the present bill would severely affect small livings, although it had been previously stated, that it was not intended to include such benefices within its influence and operation. The same authority next proceeded to assert, that although the power of ordering the valuation of the Church property, and raising the fund of First Fruits, had been originally with the crown, yet it had been subsequently given up, and that no such valuation had taken place since the reign of Henry the 8th. But it was surprising to find that right hon. and learned doctor so grossly misinformed on a subject on which, at least, he ought to be accurate. If he would revert to the history of those times, he would find that a valuation took place in the reign of the first James; and that Montgomery, a patriotic and liberal divine, then bishop of Meath, had exerted himself to procure the proceeds of certain forfeited property in the province of Ulster, not for his own private emolument, but to augment the comforts, and to increase the happiness and respectability of the poorer clergy of his own see. If he extended his inquiries to more modern times, the learned doctor would find, that the 9th of Queen Anne was recognized and confirmed by a legislative provision in the reign of George I. The house, before it rejected the present motion, ought to reflect, that it went merely to compel the application of funds only to the purposes for which such funds were originally intended. The right hon. the chancellor of the exchequer was much alarmed at calling upon the clergy, by a small appropriation of their immense revenues, to support the respectability of their own brethren, but he had no compunction for the sufferings of the burdened people of Ireland, when he called upon them to pay 50,000*l.* for that very purpose. This very session such a grant had been made, and such an impost levied on the people. Was it not naturally to be expected, that the people, already groaning under the immense weight of taxation, would reason thus: 'Before you, the house of commons, have a right to tax upon us an impost of 50,000*l.* for the purpose of erecting glebe houses, and of supporting the poorer clergy, does it not at least become your duty to inquire if any, and what funds exist by law, which without any addition to our enormous burdens, can be made available to that purpose? We know, that by the bounty of the crown such a fund does exist for that application, and surely there is neither justice, nor policy, nor reason, in calling upon us for further sacrifices, whilst, by the law of the land and the bounty of the crown, there exists at this moment a fixed and settled fund for that necessary and desirable purpose.' It had been asked, why confine this proposed bill to Ireland, and not extend it to this country? There were these two plain reasons for that limitation; first, that in this country there was no necessity for a new valuation of the livings, because the fund of First Fruits was competent to its object; and next, that there was no application upon the people of this country, as there was made upon the people of Ireland, to furnish such a sum as 50,000*l.* for that purpose.

The house then divided on the motion for leave to bring in the bill, when the numbers were: Ayes 50; Noes 67; Majority against the motion 17.

[EXPEDITION TO THE DARDANELLES.] Colonel *Wood* rose to offer to the house the motion on the subject of the Log Book of the Royal George, while in the Dardanelles, which motion he had deferred from a former night. The house had already on its table the Instructions of the Admiralty to lord Collingwood; and also the Instructions of lord Collingwood to sir John Duckworth, directing that not more than half an hour should be consumed in negociating with the Porte. Sir John Duckworth, in his letter of the 6th March, alledged in excuse for his non-compliance with these orders, the contrary state of the winds, which would not permit him to come close to the city of Constantinople. It was essential to a just investigation of the causes of the failure of the Expedition, to have full and particular evidence on all the facts bearing upon it, and with this view he moved, That there be laid before the house, a copy of the journal or log-book of the Royal George, capt. Dunn (sir J. Duckworth's flag-ship), from the 19th Feb. the day she entered the Dardanelles, to the 22d Feb. both inclusive.

Admiral *Hervey* had communicated the substance of this motion to sir John Duckworth, who with the manliness that always distinguishes him, was only anxious that the fullest light should be thrown on his conduct in the case in question, as in every other instance. He thought it due, however, to so meritorious an officer, to state particularly the nature of any charges that it might be in the hon. mover's contemplation to bring forward against him, in order that his friends might be properly prepared to meet them.

Colonel *Wood.* At the time, sir, when I gave notice of my intention to move to be laid on the table of the house, an extract of the journal of one of his majesty's ships, whilst employed upon the Expedition against Constantinople, during the very short period of four days, it was impossible for me to foresee, that there could be, from any quarter, the smallest objection for the production of this paper, but more particularly from the quarter from whence the objection has since come. We were called upon to consider and to determine upon the failure of one of the most important Expeditions that ever sailed from England, and in comparison with the success of which, the loss of every ship of the squadron would have been a trifling and inconsiderable national calamity. Upon the success of this expedition hung suspended the fate of not only Russia, but of England, and of the whole civilized world. Immediately after the passing of the Dardanelles, had our fleet carried the intelligence of this exploit, as well as of the destruction of the Turkish fleet, to Constantinople, within 12 hours after it had happened, (which, from every information I have been able to obtain, I am of opinion, might easily have been done), the confusion and consternation would have been so great, that I am satisfied the English admiral might have prescribed any terms he pleased. The delivering up of Sebastiani, the occupation of the forts of the Dardanelles, and the renewal of the ancient alliance betwixt England and the Ottoman Porte, I am satisfied, would not only have been the immediate consequence, but the Russians and Turks would once more have been friends, and general Michelson, with 60,000 Russians, have been set at liberty, and have been enabled to have taken part in the battles of Friedland and Eylau, which decided the fate of Europe. This country, in place of being, as at present, shut out from every port of the Turkish empire, would have had the aid and intercourse of upwards of 30 millions of people, which would, in some measure, have compensated for other difficulties.—This is my view of the subject, and that it is totally impossible for the house to form any opinion, how far the failure of this great and most important expedition had been owing to the defect of the plan, to that of the instructions, to the inadequacy of the force, or to the unfortunate state of the winds and weather, unless the necessary documents are laid before us. We have seen the correspondence betwixt the English ambassador and secretary of state, explaining the complete ascendancy of the French at Constantinople, and suggesting by what means this unfortunate circumstance was to be surmounted. We have also seen the Instructions for the lords commissioners of the Admiralty to lord Collingwood; lord Collingwood's orders to sir J. Duckworth,—as also sir J. Duckworth's letter to lord Collingwood, after the total failure of the expedition, assigning as the cause—'the unfortunate state of the winds, and currents,' which from the day of his entrance into the Dardanelles, until that of his leaving it, he states to have been such, as to prevent his being able to obey lord Collingwood's orders. Under such circumstances, sir, I would ask the hon. admiral who has stated that sufficient grounds have not been laid for the production of the papers asked for, how the members of this house can possibly discharge their duty, without enquiring into the state of the winds and weather during the time that sir J. Duckworth was in the Dardanelles, or whether this can be seen in any manner more fair or more equitable than the captain's log of the admiral's own ship. I have not the smallest objection to our having copies of the other ship's logs, excepting a wish not to give any unnecessary trouble, and upon that account I have only asked for a copy of the captain's journal of the admiral's own ship, and only during four days, in place of the eleven days, during which time sir J. Duckworth was within the Dardanelles.—If the hon. admiral will have the goodness to suggest any more unexceptionable mode of ascertaining the state of the winds, and transactions on board of our fleet, I will gladly adopt it. I cannot avoid remarking upon the rather uncandid manner of proceeding on the part of the hon. admiral, to whom, previous to my moving for the production of the papers, I had not only shown a copy of the paper which I meant to ask to be laid upon the table of the house, but understood from him, that there could not be the smallest possible objection to its production. I likewise showed it to two other admirals, and they did not see the least objection to its being produced. After this, had any circumstances happened to induce the hon. member to alter his opinion, I think common candour ought, at least, to have induced the hon. member to have made some communication to me, and not to have left me to suppose no opposition was intended, when, on the contrary, the hon. admiral came down dressed to make a set speech upon the occasion, and to oppose the production of the paper, to which he had given me reason to suppose he felt no objection whatever.—I have already stated to the house, that having in my possession an accurate copy of captain Dunn's journal during the four days, which I now asked may be placed upon the table of the house, it is to myself very immaterial, in what manner the house may be pleased to dispose of the motion. Although I have no doubt but that the house will give me credit for what I assert, yet still for the regularity of our proceeding, it appears to me that it would be desirable to have the copy of the Journal upon your table. The notice of motion has now stood in your order book during several weeks, and therefore the hon. admiral with his friends, have had ample notice. I have further done much more than was either incumbent on me, or could have been expected.

Admiral *Hervey* in explanation, expressed the greatest readiness to give facility to the examination of the charge preferred, which was in substance, that he had not, under all the circumstances, made the sort of attack he ought to have made. He had no doubt that the gallant admiral would be found to have done his duty to the utmost, on that, as on every other occasion.

Mr. *Yorke* expressed great unwillingness to have these papers laid before the house. Though he did not doubt that those who proposed such investigations, were actuated always by patriotic motives, he did not think it right to institute inquiries into the conduct of naval and military commanders in that house in the first instance. If there was ground for a charge of neglect of duty in any case, the proper course was to represent the matter to the admiralty; and if the charge appeared founded, it would be brought to trial before the proper tribunal, a court martial. He expressed a high respect for sir John

Duckworth's character, without having the honour to know him, and declared his intention to take the sense of the house on the motion, if it should be persisted in.—After some further conversation col. Wood agreed to withdraw the motion.

[MR. PALMER'S CLAIM.] Mr. Wharton brought up the Report of the Committee of the whole House on the Claim of Mr. Palmer. It was read a first time. On the motion for the second reading,

Mr. *Bankes* rose. He said he should ill discharge his duty, as one of the guardians of the public purse, if he did not declare that, in his judgment, the present was one of the most extraordinary and unjust grants of the public money he had ever witnessed. He was convinced the house had been surprised into the vote they had given. There were many opportunities, however, still remaining for a reconsideration of the question, which he hoped would not be omitted. He thought the present occasion would convince his right hon. friend opposite (the Chancellor of the Exchequer) of the impropriety, as his majesty's concurrence was required where grants of public money were applied for, of lending that concurrence in cases where he was convinced that no claim ought to be sustained. He was by no means convinced, that any bargain had ever been entered into; and on this head, he thought the house was equally bound to take the word of Mr. Pitt as of Mr. Palmer. But, supposing there had been such a bargain, and it was proved that Mr. Palmer had been guilty of the charges laid against him, and, on account of which, his situation had been forfeited, he asked, if it was possible to maintain that his misconduct had not divested him of the emolument as well as of the office? Though he did consider Mr. Palmer as having been a useful servant to the public, yet he was of opinion he was already sufficiently recompensed, and he should therefore resist the present unjustifiable and extravagant demand.

Mr. *Windham.* It seems desirable that previous to any remark on the subject before us, notice should be taken of an opinion which, however foreign from the merits of the question, may have considerable share in influencing the decision of it: namely, that this is a question on which those who vote on one side or the other may be considered as voting on principles of party. On what grounds this idea should be taken up, or how the ministers should be fond of countenancing it, I am at a loss to discover. In respect to the fact, and so far as regards myself, I declare I came into the house the other day not knowing that any question upon this subject was to be brought on, and equally ignorant of the part, which any of those with whom I usually act, were likely to take. This may, surely, be received as reasonable evidence, that the support given to Mr. Palmer by any gentlemen on this side of the house has not been the effect of concert, or of an opinion that they were required on this occasion to act in a body. For the views and motives of those who wish to convey this impression, though it is easy to understand, how the reduction of the question to a question of party may contribute to the decision, which they are desirous of producing, it is not equally easy to believe that they should be willing to purchase this advantage at the price of representing a question on which the minister was beat, as one that had been decided on party principles. Had we attempted to set up such a conclusion, they would have ridiculed us, and justly, as laying claim to a triumph, to which we could have no pretence. I leave them to chuse between a confession of the weakness of their influence, and an admission that the merits of Mr. Palmer's case are so strong, that with all their influence, they are unable to resist them.—Another topic not less extraordinary, is that which has been broached by an hon. gent. (Mr. Banks) of the want of proper notice, and of the house having been taken by surprize. I know not what is to be deemed a notice, if an intention distinctly announced and formally entered, and resting in the Order Book during a period, I believe, of seven weeks, is not to be taken as such.—Both of these, it is plain, are points, which, though calculated to have an influence upon the decision, have nothing to do with the merits of the case. The last of them also, viz. that of the want of notice, is new: but, excepting that, nothing has been urged in the present debate, that was not fully under the consideration of the house at the time when the question was before discussed, and when the opinion of the house upon it was formally taken.—For the sake of such gentlemen as were not then present, it may be proper to observe, that the question was discussed upon two distinct grounds: first those of a bargain independent of its merits, and secondly, those of the merits independent of any bargain. It is to be remarked, that a decision in the affirmative on either of these grounds will carry the question in favour of Mr. Palmer; and that the union of the two, which is in fact the case, is by no means necessary to establish his Claim, though it cannot fail to give to it redoubled force, and to leave the rejection of it, could such a decision be conceived to be adopted, more entirely without excuse." The existence of a bargain is not denied, and of a bargain so constructed, as to make it impossible that the public should suffer by it. It may be added, so constructed likewise, as to make it nearly impossible to conceive how it should be capable of being forfeited. A bargain by which a person is paid only in proportion to the service he does, though it may originally have been an improvident one, as giving him a larger proportion of the benefit to be received, than with proper precautions he might have been willing to accept, is a species of bargain by which, when once made, the public can never be a loser, and which one does not well understand how the individual contracting it can ever forfeit. It is not contended indeed directly, that the bargain in this part of it has been forfeited. But it is said, 'We cannot distinguish how much of what 'was to be given to Mr. Palmer was given 'on the footing of compensation and how 'much for future service. When he had 'forfeited, therefore, as it is agreed he did, 'what was intended as engagement for 'future service, we deem upon a rough 'calculation, that what remained to him, 'was worth no more than what we now 'offer.' It might be sufficient to say, that the calculation here referred to, was a most unjust one; and that admitting the line of distinction, between what was given as a reward and what was intended as wages, to be ever so difficult to be traced, it could never be conceived, that what was left for reward after deducting all that could be construed as payable for future service, was no more than is now pretended. But this difficulty is a mere pretence. Nothing, one should think, could be more apparent to any one who did not chuse to be blind, than that the part assigned as reward and remuneration was the per-centage, and the part intended as payment for future services, the salary. The only doubt could be, whether the principle of reward for the past did not extend even to the salary, just as it happens in a thousand instances, that an appointment to an office is the reward of services already performed: but it is a strange perversion indeed, to suppose, that when, in exchange for a plan communicated to the public by an individual, and brought forward by him in the first instance at his own risk and expence, an agreement is made granting him as a reward for, or as the price of, his invention, a proportionate part of the clear advantage, which it should produce to the public, the subsequent appointment to an office should change the nature of the bargain so made and completed, and silently superinduce a condition, by which his bargain should be forfeited in consequence of any misconduct which would have the effect of forfeiting the office. The very circumstance that part of the per-centage was given up when this appointment took place, and given up in consequence of that appointment, is proof conclusive, even could any doubt be entertained, that what was not so given up, continued precisely on the footing on which it had previously stood.—What miserable quibbling, therefore, would that be; even if, after all, the inference could be made good; which by a strict construction of particular phrases, and by the aid of rules of interpretation not professing to give always the true sense of the instrument, though useful possibly to be observed upon the whole, would establish a conclusion, obviously repugnant to the intentions of the parties, and to the real and substantial equity of the case? Is it thus that the legislature of a great country would wish to deal with an individual, at the very moment when the country was enjoying to the full extent the benefit of his invention, and with no intention to give back any portion of it, though they were denying to him the proportionate advantage which they had before agreed to, and which they would be willing to repeat, were his invention still to be purchased and could be obtained upon no other terms?—I will not go again into the examination of the letters to Bonnor, which, one might be sure, would be again brought up; nor consider how far those letters, culpable and indefensible as they were, might admit of some excuse. It is sufficient to say, that they are nothing to the present purpose: that, though they are sufficient, and more than sufficient, to set aside the appointment, to justify and to demand the revocation of the salary and of the office, they did not touch the allowance which had been given in the form of a per-centage, and as the price of the Plan that had been communicated. This price is what Mr. Palmer claims, and this is what he has still, as he had formerly, a full right to.—The censure passed by the hon. gent. near me (Mr. Bankes) on the conduct of the chancellor of the exchequer, does not require to be adverted to as affecting the merits of the case, which it can in no degree vary: as a matter of general doctrine, I can by no means bring myself to assent to it, seeing that the direct effect must be to place in the arbitrium of the chancellor of the exchequer, what ought to be submitted to the judgment of the house. The cases in my opinion can be but very few, in which a chancellor of the exchequer ought to exert the delicate and dangerous privilege, even though he may be possessed of it, of withholding from the house the power of exercising its own judgment.—The plea of lapse of time, urged also by the hon. gent. near me, is of another sort. Though it does not, in one sense, affect the merits of the case, that is to say, the justice of the Claim, it makes part of the question which the house is called upon to consider. I shall only say, that however good the objection may be on the part of many individual members, of the hon. gent. for example or of myself, it cannot well be adopted by a house, which in the instance of the duke of Athol, to say nothing of the general merits of that case, did not scruple to revise a transaction which had passed 40 years before, and which had been sanctioned, not by an order of the lords of the treasury, but by a solemn act of the three branches of the legislature.

Mr. *Fuller* strongly supported the Resolution, and compared the conduct of Mr. Palmer's Deputy, who had revealed his confidential correspondence, to that of Judas Iscariot, who sold his master.

Mr. *Rose* was of opinion, that this was the most exceptionable demand he ever knew. If the house agreed to the Report, they would reward a public officer for great and manifold misconduct. In the year 1799, the question had been decided against Mr. Palmer, by a majority of 112 to 28; but now, without any additional evidence on the subject, the house were called upon to do that, which would shake their honour and character more than any thing within his recollection.

Mr. *Stuart Wortley* said, that major Palmer's powers of persuasion had, on a former evening, made him a proselyte; but that, on a better understanding of the case, he now came prepared to make his retraction. The situation which Mr. Palmer held was granted to him not only for services done, but to encourage him in future. If he was now entitled to the 2½ per cent. he was therefore entitled to the 1500*l.* a-year also, and to the place itself. Having accepted of that place, he could not have no other document of his agreement but it, and by it he must be bound. He therefore opposed the Resolution.

Mr. *Long* complained that very few questions had been put to him by the Committee, though it was in his power to throw considerable light upon the subject; and contended that the per-centage on the Revenue of the Post Office was granted to Mr. Palmer only during his continuance in office.

Sir *Tho. Turton*—After the very ample investigation which this subject underwent upon a former evening, and the decided sentiment which the house by a very large majority then expressed upon its merits, I little expected to find the discussion revived upon the present occasion with an increase of acrimony, yet without any addition of argument.—I can assure the House that unlike the hon. member behind me (Mr. Stuart Wortley) I rise not to avow myself a proselyte to any argument I have heard either within or without doors, or to express my repentance for having given a vote on a preceding night, in favour of the just claims of a meritorious individual, which the house in its justice, and to its eternal honour, has recognized.—Sir, I was much surprised to hear the hon. gentleman state, that Mr. Palmer's powers of persuasion had made him a proselyte, but that on a better understanding of the case, he came prepared to make his retraction.—Sir, I shrewdly suspect that the authors of the hon. gent.'s proselytism are not far off, and that their arguments, too often irresistibly persuasive, have made him a proselyte from the truth and justice of the case; but I care little by what cause this effect has been produced, sure I am, it will not be general amongst those who come to discharge their duty without respect of persons, and of such I am satisfied the majority on a former night were composed. Sir, I must confess I did not expect to hear myself, in common with two thirds of the house, stigmatized with gross ignorance and mistake in the discharge of my public duty, and formally put upon my defence, for a vote which I had given conscientiously and according to the best dictates of my judgment. The hon. gent. (Mr. Bankes) who has chosen to make this unexpected and extraordinary attack upon either the understanding or the integrity of 137 members, not being able to satisfy the house by argument of the justice of opposing this Claim, turns round upon the members of the Committee who made the Report, and is determined to wreak his vengeance, and exhaust his ill temper, on them and their labours. Sir, I had the misfortune (in his opinion, but the honour, in my own) to be a member of that Committee, and I will venture to advance in extenuation of its alledged offences, that it was a committee unusually numerous and well attended; composed of gentlemen in all habits of life, and professing different political principles; that many among them, until this unlucky slur upon their discretion and probity, were not suspected to be deficient in common sense; and I may at least be allowed to say, without presumption, that they were punctual and indefatigable in their attendance; that they omitted no care or pains by which the truth could be ascertained; and that after every practicable devotion of their time, and sacrifice of their attention, they agreed upon a report perfectly satisfactory to their own conscienies, and which they were really vain enough to hope would have proved equally satisfactory to the house, and even to the fastidiousness of the hon. gent. Sir, the members of that Committee would indeed have cause for regret, if the hon. gent., in the delivery of these very liberal sentiments, could be considered as the organ of the house; the vote of this night, like that of the last, will, I trust, prove that he is not so; that it is only his individual opinion, which, however respectable, he will excuse us if we deem not infallible. With respect to the form or diction of the Report, so severely commented on by the hon. member, I can only say it is unfortunate that we had not the aid of the judgment and literary talents of the hon. member in preparing it, as it might then have been more worthy the place for which it was destined. I can only hope, that when the long expected report shall at length arrive from that Committee over whose labours the hon. gentleman himself presides, we shall receive a luminous document worthy his superior genius and accuracy, which may serve as a beautiful and unerring model by which all future committees may be enabled to reform their inaccuracies, and accommodate their conduct to his code of propriety of language and statement.—Sir, we are next told, with infinite gravity, that the vote of Thursday night ought to be rescinded because the house was taken by surprize upon that occasion!—In the name of common sense, what does the hon. gent. mean by surprize?—Was not the day appointed by the minister himself, and was there not a notice of full six weeks given of that day? I never recollect any measure urged upon the house with less appearance of precipitation, or upon which every member has been enabled to form a more cool and deliberate judgment.—Indeed, this is an objection so palpably ridiculous, that I can only suppose the hon. gent. meant by it to give us an agreeable proof of his fancy, by raising an argument where any other person would have despaired to find one.—Another hon. gent. (Mr. Long) has insinuated to the house, that the report of the Committee is indeed but little to be relied upon, because he could have supplied them with a vast deal of intelligence upon the subject of their enquiry, which they either disdained, or neglected to apply for, when he offered himself as an evidence before them. I fear it is the misfortune of this hon. gent. to possess a singularly treacherous memory. I wish before he had committed himself by such an assertion, he had looked at the printed report of the Committee, which is now in every member's hand; he would there have seen, that when his evidence was taken, it amounted merely to two or three loose remarks of no importance; and that when the Committee had put every question they conceived to be of consequence, the hon. gent. was expressly asked "whether there were any points "remaining upon which he could afford "information," that he as expressly answered "he had no further intelligence "to give." Assuredly here is convincing proof that the hon. gent.'s memory must either have failed him wonderfully at the time his evidence was taken, or that it must have played him a slippery trick upon the present occasion; the hon. gent. has no alternative but to sacrifice one of his contradictory assertions to the other, and in either case I consider his misfortune as very much to be deplored.—It has been suggested, that some portion of the Post Office Revenue has arisen, since 1793, from circumstances independent altogether of Mr. Palmer's Plan; and it seems in consequence apprehended, that a larger remuneration may be granted than Mr. P.

is fairly entitled to.—In reply to this objection, I beg to inform the house that the Committee fully took into consideration the amount of encreased revenue which arose from other sources than those of Mr. P.'s creation, and that they made every allowance and deduction on that account before they presented their Report. As to the repeated argument in respect to the amount, if the Claim is established in point of justice, I must again insist that its magnitude ought to be no argument against its entire fulfilment; it is an argument which encreases our demerit, whilst it adds to the amount of Mr. Palmer's Claim.—Sir, I shall detain the house no longer; there is no argument to reply to, only mis-statements to correct; the claim of this gentleman is indisputable; you have already recognized it; the sense of the house has been taken on it; to-night I am well assured it will be again expressed with similar, or encreased effect.—I have never given a more conscientious vote than the one I gave on the same occasion. I shall repeat it to-night, confident that the independence of the house is with me, and the sense of the country no less so.

Lord *Milton* was surprised at the inconsistencies of the gentlemen on the opposite side; for instead of arguing on the bargain, which they all admitted, they flew to the misconduct of Mr. Palmer while in office. The impropriety of Mr. Palmer's conduct in office he was not a supporter of, but he would submit, that the conduct in office had nothing to do with the original bargain, and ought not to interfere with the present question. Why did they not meet it when it was before the house for the first time, and put a stamp on it? That would have shewn the public Mr. Palmer had no claim; but instead of doing so they gave it a half assent, a half dissent, and at last threw it by and got rid of it, by moving the previous question. There had been a vast deal of obloquy thrown on the Report of the Committee; he saw no argument adduced to warrant it. He believed the Committee consisted of as honourable and as good men, without exception, as the house could produce. He could not pass over the subject without saying, that the Committee had been hardly used.

Mr. *Sturges Bourne* argued, that the opinion of the Committee was not entitled to much credit, because the evidence upon which that opinion was formed was not given; and that the question having been decided by a former house of commons, should be considered as having been set finally at rest.

Sir *Francis Burdett.*—Sir, I have examined the merits of this case, and bestowed the greatest attention upon every argument brought forward, both for and against Mr. Palmer's Claims: and so far from their having shaken, they have confirmed the opinion that I before entertained, of the justness of Mr. Palmer's demands.—Sir, when I observe, upon the one hand, the greatness of the benefits, and remark upon the other, the smallness of the craved reward, I really am astonished that ministers should hesitate for a single instant to comply with Claims founded on an undeniable contract, and supported by services, which have exceeded the most sanguine hopes.—But, sir, I must at the same time, congratulate his majesty's ministers on the acquisition of a virtue, of which I never before observed in them the least trait. And I shall be extremely happy if they remain under its influence on future occasions, instead of pensioning worthless objects, who have done their country far more harm than good. I scarcely know how to answer the arguments of the right hon. gentlemen on the opposite side, for they so perpetually shift their ground and change their position, that it is almost impossible to ascertain where they intend to make a stand. First, it is a bargain, then it is not a bargain; and after all they seem doubtful, whether this is a bargain, or a remuneration. Now, I think it immaterial which it is, for if it is a contract, beyond a doubt it should be performed; and if it is a remuneration, surely 50 shillings cannot be considered too much to give a man, who gives you 100 pounds. Here the public has, and is receiving profits to the amount of millions! For this stupendous engine is at this moment actually in motion, and will be so as long as the kingdom shall exist; and while it does, it's benefits must increase. For the numerous and incalculable advantages arising from this plan, I think the country can hardly ever make an adequate return to Mr. Palmer; for the fatigue, anxiety, disappointment, and loss of health he has suffered, they never can, I am certain.—Sir, I am not in general very ready to place implicit confidence in the Reports of Committees; but when I consider the impartial and able gentlemen that composed it, and that Mr. Palmer could have no influence over them, besides that which the injustice he has been treated with, must excite in every honest man, I think it is a Report which is entitled to every kind of confidence and respect; and my opinion of it's fairness has received additional strength at hearing from an hon. baronet (sir Thos. Turton,) that all fair deductions have been made on account of that proportion of the increase of the Post Office Revenue which might be attributed to causes not immediately belonging to Mr. Palmer's invention.—Sir, the hon. gentlemen have talked a great deal about the letters written by Mr. Palmer, but I cannot conceive that they have any reference to the question which now occupies the house; if there is any weight in them, it can only apply to the office and the salary; to the claim to centage they are quite foreign.—Sir, that hon. gent. said, that this question was decided in 1799; but I really believe he must mean that as a joke; for what decision could be expected by an unprotected individual opposed by a powerful minister, or what choice could Mr. Palmer make, when he was told, "you shall "either accept my terms or nothing."—And yet, this was the decision the hon. gent. alludes to. As I am sure there is no honest man in the country who would not willingly contribute towards the discharge of a debt like this, I shall vote for it whenever it shall be brought forward.

Mr. *Holford* defended Mr. Pitt's bargain, and contended that if that great man had felt it to be improvident, he never would have shrunk from acknowledging it.

Mr. *Marryat* contended, that the agreement between Mr. Palmer and the public had been cancelled by the very improper conduct of Mr. Palmer in office. It was his opinion, that the Revenue having materially suffered by Mr. P.'s dismissal, was an argument against him, and that he ought to suffer by the loss.

Mr. *Sumner* dwelt upon the imperfect evidence of the report; and moved that the debate be adjourned till to morrow se'nnight, with a view to refer it back to the committee, with an instruction to the committee to take further evidence. The house divided: the numbers were,

For the Adjournment	87
Against it	137
Majority	50

A long conversation then took place on the subject of the course which it would be most proper for the house to adopt after the determination of this night.

The *Speaker* informed the house, that it appeared to him, that the regular mode of proceeding would be for the accounts of the Net Proceeds of the Post Office Revenue up to the present period to be laid before the house; the amount of money which was to be paid to Mr. Palmer, as a remuneration for the time past, could then be ascertained from those documents, and voted in a Committee of Supply. The consideration of the annual sum which the house might think fit to order to be paid in future, must also, he believed, originate in a Committee of Supply. When a Resolution was agreed to on that subject, a bill might afterwards be brought into the house pointing out the fund from which it was to be taken, and legalizing a particular course of distribution or appropriation as usual in similar cases.—The Accounts were then ordered to be laid before the house. After which the Report was agreed to, and Mr. Palmer proposed, that on Friday next the subject should be referred to a Committee of Supply.

HOUSE OF LORDS.

Tuesday, May 17.

DANISH MERCHANT SHIPS DETAINED IN BRITISH PORTS.] The order of the day having been read,

Lord *Sidmouth* said, that he was at length enabled to submit to their lordships' consideration a subject highly important to the interests of many individuals, both foreigners and natives, as well as to the honour and reputation of the country.—But before he entered upon the details to which it would be necessary for him to call the attention of their lordships, he was desirous of being understood, as having no intention to re-agitate a question, which had been already decided; much less to aim at rescinding a judgment, which had been solemnly pronounced: for that in fact, between the merits of the subject to which he particularly referred, namely, the Attack on Copenhagen, and of that then before the house, there was no necessary connection; and all he had to ask, (and he assured their lordships that what he asked of them should be observed on his part,) was that the opinions entertained on this point, might be kept in their proper place, and not brought forward to bear upon arguments, and conclusions, to which they had no direct or regular application.—It could not, he said, be denied, that according to the principles of natural justice, and the established law of nations, safety and protection were due to the merchant ships and cargoes of all neutral states engaged in the peaceable pursuit of a lawful commerce. Following up this just and salutary principle, our municipal laws held out the promise of security to the ships, persons and property of merchant strangers, *eundo, morando, et redeundo,* in carrying on a legitimate traffic with this kingdom; and this right to security and protection could not be forfeited, except by the misconduct of the individuals themselves, or of the state to which they belonged. It could not be forfeited, except in consequence of such antecedent injuries as, if unredressed, would afford just grounds of war, or reprisals; of which last it had been said by high and undoubted authority, that 'the law of nations does not allow them but in case of violent injury, directed, or supported by the state, and of justice *in re minimè dubiâ,* absolutely denied.' The seizure and detention of ships and property belonging to the subjects of a foreign state could therefore only be justified by a previous act of aggression; and, except in the instance to which he felt it to be his duty to call the attention of the house, it could not be shewn that an order for that purpose had ever been issued under the authority of the British government, unless it had been preceded by the existence of a real, or supposed cause of war.—It would be recollected, that in the month of July last, when a large armament was assembling on the eastern coast of this kingdom, its probable destination was a subject of general and anxious speculation; and it appeared that a rumour had reached the masters of Danish merchant ships, then in our ports, that it was directed to the Baltic, in consequence of a misunderstanding between this country and Denmark. An immediate enquiry was accordingly made of the British government through the Danish Minister, Mr. Rist: the answer, whatever it was, certainly was not one which confirmed, or created apprehension: their enquiries were then directed through the same channel to the government of their own country, from whom, on the 10th of August, an answer, of which the following is an extract, was received through the College of Commerce at Copenhagen, and communicated to them by the Danish Consul, Mr. Wolff: —'In reply to your letter of 14th inst. '(July), stating that it is currently reported in London, that a misunderstanding 'is likely to arise betwixt Denmark and 'Great Britain, we acquaint you herewith, 'that such report is entirely without foundation, and that nothing has been done 'on our parts, whereby the good understanding hitherto subsisting betwixt both 'courts could anyways be considered lessened or interrupted. We request therefore, that you will positively contradict 'such unfounded rumours, and quiet the 'apprehensions of our sea-faring countrymen, assuring them, that they have no 'reason to fear, as the College will not 'fail, should any unforeseen event have a 'detrimental influence on Denmark's hitherto maintained neutrality, to give the 'earliest information thereof, through the 'Royal Consuls, to all our sea-faring countrymen.'—To 'Mr. Wolff, London.'—This communication had the intended effect; the fears of the sea-faring subjects of Denmark then in our ports, were completely quieted; and they remained in this state of confidence and delusion till the end of August. Nothing indeed occurred to alter it; on the contrary, it was known, that after the sailing of admiral Gambier, on the 30th of July, many ships had cleared out for Danish ports, and some with admiralty licences; and so little apprehensive was the Danish consul of approaching hostilities, that, in many instances in which offers were made to release, upon the payment of certain charges, Danish ships which had been brought in, under the expectation of a rupture, he positively rejected all such offers, being resolved that the captors should abide the consequences of their own violence and injustice. In Denmark too, a similar degree of confidence and delusion prevailed. The appearance of the British fleet produced no alarm at Copenhagen, nor any degree of caution with respect to ships, then preparing to proceed to British ports. In proof of this, lord Sidmouth read the following extract of a letter from the captain of the Danish ship, Frederica:—'I received a letter from my agents, Messrs. 'J. P. Suhn and son, dated Copenhagen, '7th of Aug. stating that all Danish ships 'might proceed to England in safety, as 'he was assured, that the British fleet lying at anchor before Copenhagen, had 'no hostile intention towards Denmark; 'that according to information, it was his 'opinion, that it was bound to Cronstadt. 'In assurance of the above account, I left 'Dram the 13th of Aug. with a cargo of 'timber and deals, shipped and loaded for 'the accounts of Messrs. Joshua and Thomas Carroll, merchants, of Cork, in Ireland. I was detained in the north-sea the 28th of Aug. before any orders from the British government for the detention of Danish ships had been given, and likewise prior to the bombardment of Copenhagen.'—On the 25th of August, however, many days before information was received of the commencement of hostilities, and at a time when it was not pretended that there was any hostile intention on the part of Denmark, orders were issued by the Board of Admiralty, in consequence of directions from one of his majesty's principal secretaries of state, to detain and bring in, provisionally, all Danish merchant vessels; and these orders were not confined to the Channel, but sent to all our naval officers, commanding-in-chief, in every part of the world. On the 2d of Sept. a similar order was issued, under the authority of his majesty in council; accompanied by orders, that no ships belonging to any of his majesty's subjects should clear out for any of the ports of Denmark; and that a general embargo should be laid on all ships and vessels belonging to subjects of that country, together with all persons and effects on board. It appeared, that the account of the commencement of hostilities was not received till the 4th of Sept. and it was admitted, that previous to that time, there was no ground for imputing a hostile disposition to his Danish majesty; so that at the period of issuing these orders, Denmark was considered, although not treated, by the British government, as a neutral and friendly power. In consequence of these orders, 320 ships were seized and detained before information was received of the commencement of hostilities; and after the issue of orders for general reprisals, which took place on the 4th of Nov. the whole were condemned as prize to the crown.—Lord Sidmouth said, that on a former occasion, when he had stated a report, that the value of the ships and cargoes, &c. so seized, was little short of two millions, the noble secretary of state (lord Hawkesbury) declared, that this was an exaggerated statement. He had mentioned it at that time, in the hope that it might be contradicted from authority; but he had not mentioned it upon light or frivolous grounds. On the contrary, he then knew the number of ships which had been seized; and that 53, with their cargoes, had been sold by auction, and had produced, upon an average, 5,200*l.* each. Supposing these ships to be of the average value of the whole that had been seized, 320 ships would produce above 1,660,000*l*; and it was well known that when prizes were sold in this manner, the auction price was in general far below the real value. It was usual to estimate this difference at one third: upwards of 550,000*l.* must therefore be added to the above-mentioned sum; making an aggregate of more than 2,000,000*l.* as the value of seizures in our own ports, exclusive of those which took place under the Orders of the 25th of August, and the 2d of Sept. in all other parts of the world. He would close this statement by repeating the hope which he had expressed on a former occasion, that the declaration of the noble secretary of state, might prove more correct than the report which he had taken upon himself so positively to contradict.—To justify a measure of such severity, it was absolutely necessary to shew that it was occasioned by an antecedent aggression on the part of Denmark; for it would not be contended, that the seizure of merchant ships and of commercial property, was called for by the urgent and imperious duty of self-preservation; but it had been distinctly acknowledged that on the part of Denmark there was no hostile aggression, and the difference between the present case, and all others which preceded it, consisted in the absence of that which had been the immediate cause, and which had solely and exclusively constituted the justification of every similar measure. True it was that the king of Prussia at the commencement of the seven years war had entered Saxony, when there had been no public act of aggression on the part of the elector; but he found in the palace of Dresden a copy of a treaty, the known existence of which had occasioned his irruption into the electorate, and which was of itself a sufficient cause of war. It was also well known, that lord Chatham quitted the councils of his sovereign in the year 1761, because his colleagues refused to concur with him in advising his majesty to proceed, without a formal declaration of war, to acts of hostility against Spain: but lord C. proceeded upon intelligence (which was afterwards verified) of an agreement on the part of that country to make common cause with France.—From the uniform tenour of our history it would be found, that such measures as those of the 25th of Aug. and 2d of Sept. were never resorted to, unless they had been preceded by a real or supposed cause of war. The capture of the French ships in 1756, and of the Spanish frigates in 1805, were preceded by causes of war, the legitimacy of which has never been questioned, however the latter measure might have been censured on other accounts. The cases of Prussia and Holland had been mentioned: but previous to the detention and seizure of the merchant ships of the former power, she had actually received from France, whilst at war with Great Britain, the dominions of the elector of Hanover, and had excluded all British vessels from her ports;—and with respect to Holland, it was only necessary to refer to a few dates to shew that our measures of hostility towards that country were neither marked by precipitancy nor injustice. On the 18th of Jan. 1795, the French army entered Amsterdam. On the 19th, the revolutionary committee dismissed the established magistrates, and took on themselves the provisional administration of affairs. On the 30th, all ships and property belonging to enemies of the French republic were ordered to be seized and confiscated by a decree of the French commissioners confirmed by the provisional government of Holland. On the 9th of Feb. orders were issued by the British government for the provisional detention of Dutch ships and cargoes.—At the commencement of the year 1801, orders were issued to detain, provisionally, ships belonging to Russia, Sweden, and Denmark; not, however, till the conduct of the government of each of those countries had afforded a legitimate cause of war: but in that case, lord Sidmouth stated, he was one of those who had concurred in advising his majesty not to issue orders for general reprisals; and accordingly the ships and cargoes so detained, were not condemned as prize, but were all restored upon the re-establishment of peace. Lord Sidmouth said that some noble lords, who were then his colleagues, would admit that the beneficial effects of that conduct had not only been manifested at the time, but that they had been also experienced in the course of the present war.—It seemed, therefore, impossible to justify the measure of issuing the orders in question by attempting to bring it within the application of any admitted principle, or the fair analogy of any precedents afforded by countries, whose conduct it would not be disgraceful to cite as an example.—But the motive of the measure was perhaps to be found in the view which ministers had taken of the necessity of the expedition against Copenhagen. Being convinced of that necessity, they thought no means unwarrantable, which, in their opinion, were likely to contribute in any degree, to its success. For this purpose, private property was seized, as an instrument of coercion and intimidation, and in the hope that the importance of recovering might induce Denmark to accede to the demands of the British government. Thus was the principle entirely disregarded and inverted, upon which, on all former occasions, such a proceeding had been resorted to. It was not a measure of just retaliation for an unredressed injury, nor of seasonable and provident vigour, founded on the knowledge of a hostile design, which it was intended to counteract, but an act in furtherance of our own measures of severity and violence towards a state, which, it had been distinctly admitted, was not, at that time, chargeable with any hostile intentions against this country. This however, feeble and futile as it was as an attempt at justification, was far the most favourable interpretation that could be given of the causes, which led to this unparalleled transaction. If this were the true explanation of it, nothing could be more obviously just, than that its effects ought to have ceased, as soon as its design was frustrated. To give a retrospective operation to hostilities, for the purpose of appropriating that which had come into our possession under such circumstances, and the seizure of which had not answered the novel and extraordinary purpose for which the measure was resorted to, was surely a most lamentable, and disgraceful extremity of injustice: which however was still aggravated by the fact, that we had ourselves occasioned the hostilities of which this retrospective advantage was taken, and that they were in no degree produced by any aggression on the part of that state, against which, and the unoffending subjects of which, these proceedings were directed. Under these impressions, lord S. said, it was to him a subject of the deepest regret, that when his majesty was advised to declare to Europe the motives which had led to the Danish expedition, a decisive proof had not been afforded, that the plea of necessity, upon which government had rested its justification, was sincere. A declaration that the ships of war, taken at Copenhagen, should be held in deposit, with a view to eventual restitution, and that private property seized and detained under such circumstances as those which had been described, should be instantly restored, would have placed the motives which had influenced the British government out of the reach of suspicion, and guarded, if not exalted the national character.—With respect to ships of war, the house had already decided, and he would not now re-enter upon that subject: with respect to the merchant ships, and their crews, his sentiments were expressed in the three Resolutions, which he submitted to the house.—[Lord Sidmouth then read the three first Resolutions.]—On the subject of compensation to those British subjects who had consignments and effects in Denmark at the time of the commencement of hostilities, (which effects were afterwards sequestrated,) he was convinced there could be no difference of opinion: they had an indisputable claim, not merely on the liberality, but on the justice of their country; that claim might be fully satisfied out of the proceeds of Danish ships and cargoes, which had been condemned and sold; and this deduction would be counterbalanced by what might be termed a set-off, arising from the sale of British property sequestrated in Denmark; so that justice, to a certain extent, might be done to the aggrieved parties in both countries. But to reach the limits of justice, compensation must proceed farther: all British subjects were entitled to it for losses sustained in consequence of any lawful adventure entered upon previous to the commencement of hostilities. Losses from such a cause could not be said to come within the reasonable scope of mercantile calculation. They were occasioned by a measure of the British government founded upon a supposed necessity, and directed to the object of self-preservation, to which it was contended that all other considerations must give way. But those who applaud, and who believe that they have derived security from this policy, must surely be willing to pay the price of it. A few individuals could not justly be made the victims of a measure, which could only be warranted by its tendency to provide for the security of all. The mode of indemnifying that class of sufferers, whose property was sequestrated in Denmark, had been suggested and was obvious: the claims of others on the justice of their country, was not less forcible. The means of satisfying them must be left to the discretion of government, and the wisdom of parliament.—But this measure, extraordinary and harsh as it was both in its origin, and in its general operation, was attended with circumstances of peculiar severity and injustice. Amongst the ships and cargoes detained under the orders of the 25th of Aug. and the 2d of Sep. were many which had been wrongfully brought into British ports by our cruizers and privateers, the masters and crews of which were too generally actuated by a spirit of rapacity, by which individuals were cruelly injured, and the country disgraced. These, to a considerable amount, had been ordered to be restored by decrees of the high court of admiralty, or of the supreme court of appeal; but in consequence of the supervening hostilities, the benefit of these decrees was withheld, and the property, the restitution of which had been directed by judicial authority, was condemned in the same court as prize to the king. Other ships and effects which were under adjudication at the commencement of hostilities, and which, as appeared from the proceedings concerning them, must also have been decreed to be restored, were condemned, and shared the same fate:—thus was an advantage taken of an original and admitted wrong, and the fruits of it became the property of the crown.—It was in vain to set up in such a case the undoubted right of the crown, under other circumstances, to the effects of an alien enemy; the principles of natural justice, implanted in the heart of every man, must, in this instance, revolt at such a claim; and this sentiment was happily sanctioned by ancient practice, and the highest authorities. In the year 1753, a memorial from the court of Berlin was referred by his late majesty to his principal law-officers; namely the judge of the admiralty, the king's advocate, and the attorney and solicitor general; which situations were then respectively filled by sir George Lee, Dr. Paul, sir Dudley Ryder, and Mr. Murray (afterwards lord Mansfield). Their report, in answer, was declared "to be founded on the principles of the law of nations, received and acknowledged by authorities of the greatest weight in all countries." Of this report, it was said by the president Montesquieu, that it was "une réponse, à laquelle il n'y a pas de replique:" and such was its authority, that the present learned and highly respectable judge of the admiralty, sir William Scott, upon being applied to in the year 1795 by Mr. Jay, the American minister in London, for an account of the principles which govern our Courts of Admiralty, and of the mode of proceeding in those courts, answered the enquiry by transmitting to him an extract from this able and luminous state paper. This document was transmitted by the duke of Newcastle, the first lord of the Treasury, accompanied by a letter from himself, addressed to the Secretary of Legation from the court of Berlin; of which the following was an extract:—'The late war furnished many instances 'which ought to have convinced all Europe how scrupulously the courts here 'do justice upon such occasions. They 'did not even avail themselves of an open 'war to seize or detain the effects of the 'enemy, when it appeared that those effects were taken wrongfully before the 'war.'—In the Report itself was the passage, which he was about to quote, and upon which he would offer no other comment than that it most distinctly and forcibly affirmed the principles for which he was now contending, and which he trusted would be solemnly recognized by their lordships this night. Having stated that the conduct of civilized nations towards each other was regulated by the principles of natural justice, and that the proceedings of our courts had been uniformly governed thereby, and not by motives of national convenience, it thus concludes: 'Upon this principle of natural justice, 'French ships and effects wrongfully taken 'after the Spanish war, and before the 'French war, have, during the heat of the 'war with France, and since, been restored, by sentence of your majesty's 'courts, to the French owners. No such 'ships or effects ever were attempted to 'be confiscated as enemies property here 'during the war; because, had it not been 'for the wrong first done, these effects 'would not have been in your majesty's 'dominions.'—He would offer to their lordships only one other authority, but it was not inferior to that of the former, if authority was to be founded on knowledge, probity, and experience: it was that of sir W. Wynne, who in the year 1784, soon after the conclusion of the war, returned this answer to a case which had been submitted to him, as king's advocate, by the lords commissioners of the Treasury:—'I think that this ship and 'cargo, having been seized before the 'hostilities between England and France 'commenced, and having been decreed 'by the Court of Admiralty to be restored 'to the claimant, and again seized in a 'port of his majesty's dominions, ought 'not to have been condemned under such 'circumstances. The sentence is however conclusive, no appeal having been 'interposed in due time; but the proceeds 'are at his majesty's disposal, and I should 'conceive, that as the sentence of condemnation could not be supported, if the 'owner was in time to appeal from it, it 'would be proper that his majesty's interest in them should be given up, and 'some person nominated to receive the 'proceeds for the use of the French owner.' '(Signed) Wm. Wynne. Doctors Commons, 18th Nov. 1784.'—In consequence of this opinion, the proceeds of this ship and cargo were given up, and paid to the agents of the French owners.—Lord Sidmouth concluded by saying, that the subject upon which their lordships had to decide, was now before them: he had been impelled to submit it to their consideration by a sense of justice towards individuals, and by an ardent anxiety for the honour of the country. The inducements to take this step, he felt to be the more urgent, on account of some new doctrines and opinions, unwarrantable, as he thought, in themselves, and most dangerous in their tendency, which were too likely to gain ground, as they appeared to be countenanced by the declared sentiments and evident policy of the government. It seemed to be imagined, that the flagitious conduct of France, and the consequences which had resulted from it, had absolved us from the obligation of a strict adherence to those principles of good faith and justice, that have been heretofore considered as necessary to keep together the great fabric of civil society; and further, that the existence of a gigantic power, created and maintained by violence and fraud, not only gave the right of resisting and retaliating upon that power, by means similar to those by which it had been established, but also justified us, with a view to our own immediate interests, in employing the same weapons against unoffending states, not parties in our quarrel: in fine, that, for the purpose of enabling ourselves to maintain an equal contest with France, and to counteract the danger arising from her extended dominion, it was become necessary for us to follow her example. — Against such doctrines he would ever protest, in the name of all that had hitherto given dignity to our councils, or lustre to public or private character; of all that, by making this country the object of just and general confidence, had contributed to establish its reputation, and to preserve and extend its influence and power. He well remembered that, in the year 1794, we were exhorted from the throne, 'to render our conduct a contrast to that of our enemies:' an exhortation worthy of the high quarter whence it came, and which made upon his mind a deep and lasting impression. In proportion as our adversary extended his systematic violation of all the principles of public law and natural justice, it should be our object, by our conduct towards other states, to manifest more strongly, if possible, our determination to observe and to uphold them. He, indeed, could command nearly the whole population of the continent: but the spirit by which it was to be actuated might depend, in a great degree, upon ourselves. Let it therefore be our endeavour to influence that spirit, by commanding universal confidence in our honour and good faith, as well as respect for our naval and military power: let it appear that, at least in this country, justice would find a sanctuary until the storm was overpast, and the authority of public law could again be diffused throughout the civilized world. It had been under these impressions, that he had so frequently felt it to be a duty to address the house in the course of the present session: it was under these impressions that he brought foward the resolutions, which he had now to propose; and he would only add, that he should consider the present, as one of the most fortunate, because he was convinced it would be one of the most useful days of his life, if the principles upon which they were founded, and the measures they suggested, sanctioned as they were by the practice of our ancestors, and by recorded opinions of the highest authority, should meet with their lordships approbation and support.—Lord Sidmouth then proposed the following Resolutions; 1. "That it appears to this house that ships and other property, to a large number, and amount, belonging to subjects of his Danish majesty, have been seized and detained under orders, and instructions, issued before information was received by the British government of the commencement of hostilities with Denmark, and at a time when there was no alleged or supposed cause of war, or reprisals; and, when in pursuit of a peaceable and lawful commerce, there was an unusual accumulation of Danish ships and cargoes in our ports under the most perfect confidence of security; and that the said ships and other property have been since condemned as prize to the crown.—2. That in consideration of the extraordinary circumstances under which the said orders and instructions were issued, it is highly expedient, that, except for the purpose of indemnifying such British subjects as may have suffered from the sequestration of their property in Denmark, the appropriation of the proceeds of the said ships and other effects should be suspended, so that no obstacle may be occasioned thereby to such eventual compensation to the original owners, as circumstances may appear to admit of, and as his majesty, in his justice and liberality, may be pleased to direct.—3. That it would be highly honourable to the character of this country, that, considering the peculiar circumstances of the present case, all mariners and others, detained and taken under the orders and instructions aforesaid, should be released upon such terms and conditions as his majesty may think fit to require.—4. That at the time of issuing the orders and instructions aforesaid, there were also in the ports of this kingdom, many ships, and cargoes, belonging to subjects of his Danish majesty, which, having been unjustly and wrongfully brought into the said ports, had been decreed to be restored to the owners; and that many more then under adjudication, must, as it appears, have been in like manner, decreed to be restored; that freight-money, to a large amount, had been, and other sums of the like nature must have been, pronounced to be due; all which ships, cargoes, and freight-money, have, in consequence of the supervening hostilities, been condemned as prize to the crown.—V. That it is essential to justice, and to the honour of the British name, as well as conformable to the ancient practice of our courts, and to the established principles of the law of nations, that effectual means be adopted for giving to the owners of the said ships, and other property, the full benefit of the decrees pronounced in their favour by the High Court of Admiralty, or by his majesty's High Court of Appeal for prizes; and the adoption of such means is rendered the more obligatory on the faith of this nation, inasmuch as the positive stipulation of a treaty then subsisting between this country and Denmark, was intended to provide against a delay, which, however unavoidable in the present instances, has proved so injurious to the interests of the subjects of Denmark.—6. That it is equally essential to justice, and to the honour of the British name, that the crews, or such part of them as had remained in this kingdom for the better custody and protection of the ships and cargoes, so as aforesaid ordered to be restored, should no longer be considered as prisoners of war.—7. That the principles of the foregoing resolutions be considered as extending to the proceedings of all his majesty's courts of prize, wherever the facts of the case, which at present are not before this house, shall warrant their application."

The *Lord Chancellor* contended, that the real question before the house was not with respect to those principles of justice alluded to by the noble lord, but with respect to their application, under certain circumstances; it being quite clear to his mind, that there were circumstances under which the application of those principles must be very different to what it would be under other circumstances. With respect to the opinion of those eminent men whom the noble lord had quoted, it was quite clear that it was not the opinion upon which the state had acted, as in the year 1761 a diametrically opposite doctrine was held, and this country would not subsequently make peace with France until she gave up the demand that no vessels should be considered as captures which were taken previous to hostilities, or the issuing of reprisals. With respect also to the opinion of sir W. Wynne, a decision of the court of admiralty in 1779, was in direct opposition to it. An article upon this subject was formerly inserted in the several treaties, and from forming part of the conventional law of nations, had been confounded with the unwritten law. There could be no doubt, however, that as the law stood, all enemy's property was forfeited to the crown; a vessel therefore detained, although at the time there might be no reason for the detention, yet from the circumstances of hostilities commencing, became forfeited to the crown. This might operate as a hard case in many instances upon individuals: but he had great doubts that there could be any thing like a commercial peace and a political war at the same time; he thought such a system, and the idea of compensation for losses, would only lead to ruinous speculations on the part of individuals. He saw no ground for the interposition of the house, and should therefore move the previous question.

Lord *Erskine* admitted that the vessels detained must be forfeited to the crown as enemy's property, and that the court of admiralty could give no relief; but that was no reason why the crown could not give relief. On the contrary, that was the very object of his noble friend's proposition in this case, to address the crown, with the view of relieving those who had suffered from the application of this principle of law. This proposition had his full and entire approbation, and those who combated it must shew that there was an actual necessity for detaining and keeping these trading vessels; otherwise the owners were entitled in justice to a compensation.

Lord *Hawkesbury* contended, that neither the noble viscount, nor the noble and learned lord, had proved that there was any departure in this instance from the usage and practice with respect to other nations, or that, being consistent with such practice and usage, there was any injustice committed. There could not be any doubt as to the law, that enemy's property was forfeited to the crown, and therefore, that detained vessels in the event of the commencement of hostilities became forfeited.

Lord *Ellenborough* said, the motion of his noble friend did not go to ask a favour of his majesty, in surrendering any thing to which he was entitled *jure coronæ*; but purely to demand from the justice and honour of the country the restitution of those ships, which had been seized at a period when peace and amity existed between the two countries; when we were holding out inducements to them to confide in our assurances of continued friendship; at a period, in fact, when their ships were in a manner domiciliated in our courts of admiralty.

Earl *Stanhope* could not avoid making some observations upon the question before the house. His lordship proceeded to quote different passages from Magna Charta, as to the kindness and hospitality to be exercised by the people of this country towards strangers trading towards our coasts; and comparing these passages, and the inducements held out to the Danes to consider the amicable relations between them and this country secure, asked, if our afterwards seizing, as lawful prizes, on the vessels which, in time of peace, we had detained, could be regarded as any thing short of chousing and rascality? He thought the motion did great honour to the noble viscount, and must raise him still higher than he at present stood in the opinion of the country and every honest man.

The Earl of *Lauderdale* pressed upon the consideration of the house, the peculiar claim which the Danes had upon our performing some act of remuneration for the losses which they had suffered. They had been particularly impressed with the good faith of this country, and entertained a strong sense of its honour and integrity. By no other means could any people in their situation have been led to send their ships to the ports of England. G. Britain had hitherto been celebrated for her love of justice, her honour, and her sincerity; in this disposition the Danish merchants unwarily confided, and were ruined.—The house then divided on the question, that lord Sidmouth's motion be now put: Contents, 16; Non-contents, 36. Majority, 20.—And, on the fourth Resolution, another division took place: Contents, 16; Non-contents, 37. Majority. 21.

HOUSE OF COMMONS.

Tuesday, May 17.

[CONDUCT OF MARQUIS WELLESLEY—CARNATIC QUESTION.] Sir *Thomas Turton* rose to move his promised Resolutions respecting the deposition of the nabob of the Carnatic. He began by requesting the indulgence of the house, unconnected as he was with any party, and unsupported by any influence except what might be expected from the strength of the cause. Before he had become a member of the house, his attention had been turned to the subject by different motions for papers which had been made, and he was then anxious that the matter should be thoroughly investigated; feeling, in common with many others, for the honour and good faith of the country. When he come into parliament, he found the question still floating, and did every thing in his power to induce some other member to bring it forward, preferring to be the seconder rather than the mover: no choice, however, was left him. The right hon. gent. (Mr. Sheridan) to whom he had particularly looked, had found himself in circumstances that prevented his urging the question, as it might have much embarrassed those with whom he acted. He had no doubt however, that that right hon. gent. was convinced that he had just grounds for what he did. He did not mean to impeach his public spirit, which certainly, on many occasions, had shewn itself superior to any private motive or consideration whatever: and even on this subject, the right hon. gent. had seized the occasion of a motion for papers to declare, that a more inhuman, a more atrocious, and a more disgraceful act never had disgraced any government. He had every disposition to think well of the politics of the marquis Wellesley, who had been educated in the same school with Mr. Pitt, and had for some time followed his steps; but at the same time, he had no hesitation to declare, that if he was guilty of the acts detailed in these papers, he was a most improper minister for this country, as he might bring into our councils that tyranny which had disgraced his Indian government.—The hon. baronet then gave a brief historical view of the progress of the company's interference with the Carnatic, from the beginning of the war that ended in 1754, when they supported one candidate for the musnud in opposition to another supported by the French, down to the treaty of 1796 with Omdut ul Omrah, by which the payment of a certain kist was secured to the company. That treaty continued till the death of Omdut ul Omrah, in 1801, when those disgraceful transactions commenced which the right hon. gent. opposite had not coloured more strongly than they deserved. On the 5th of July 1801, colonel M'Neil advanced to the palace of Chepauk, with troops, under pretence of preventing commotion at the death of Omdut ul Omrah. On their entrance the old monarch, labouring under the disorder which in eight days after terminated his existence, sprung from his bed and begged of major Grant not to expose him to the contempt of his subjects, by penetrating into the interior of his palace; and major Grant applied for instructions to col. M'Neil, who from motives of humanity did not enter. The troops, however, remained, surrounding the palace from the 5th to the 15th, when Omdut ul Omrah died, to all appearance in perfect amity with the company. At no period were our dominions in India more quiet and secure than at the time when this outrage was committed, under the pretence of guarding against a petty commotion. On the same day on which the old monarch died, the prince, his heir, was dragged from his apartment, and called upon to answer to certain interrogatories, on a charge of treachery preferred against his father. He was told that his father and grandfather had carried on a treacherous correspondence with Hyder Alli and Tippoo Sultaun, and that he, though innocent, was to be deprived of his dominions and reduced to the situation of a private person, where he expected to be a sovereign; that his succession would be set aside, and another placed on the musnud, unless he complied with certain requisitions, which were, that he should give up the civil and military administration of his possessions, and accept of an indefinite sum to keep up his dignity, and of a body guard furnished by the company.—The hon. baronet gave a minute detail of the various conferences between the commissioners of our Indian government and the prince, who, with the advice of two old khans, appointed regents by his father, refused to accede to these conditions; though these khans were willing to give any reasonable security for the payment of the kist. Among the expedients tried in order to procure the prince's consent, intimidation was one. Troopers with drawn swords paraded before the tent in which one of the conferences was held, and the prince was told that the propositions did not solely originate with lord Clive, but that they were sanctioned by the governor-general, by the court of directors, and by the British government. If the directors had sanctioned this conduct, their letters of approbation would, no doubt, have appeared; and it was incumbent on those who had been members of the British government at the time to clear themselves, and to declare that they knew nothing of this transaction. But, if they were silent, he would prove that they could not have known it. The prince, however, still continued to rely upon the faith and protection of the company, and was at last told to prepare to receive the final resolution of the governor-general, which was, that his future situation would be that of a private person considered as hostile to the British interests. Where was British justice then? From the year 1798, when lord Wellesley had landed in India, the kists had been paid with a fidelity almost unprecedented, and yet this was the result. When the commissioners had set aside the prince, one would have thought that they would have applied to the next in succession; but no: they passed over two, and opened a negociation with Azum ul Dowlah, who from his situation, they imagined would be most likely to comply with all their requisitions. He, as was usual in that country, had been kept in confinement, and, when taken out, was greatly frightened lest they were going to kill him. They found him, however, wonderfully well qualified to undertake the government, and the conferences with him ended in his acknowledging that the whole right was in the company, his ancestors having forfeited it by their treacherous correspondence. The hon. baronet declared that he should have been much surprized if this had not been the result. Azum would no doubt be willing to believe that his ancestors had been capable of acting very improperly, since they confined him. This puppet was presented in form to lord Clive, on the 26th of July, and on the 28th was installed in the musnud, on which occasion, none of the nobles attended, except one, who was now an outcast from all parties. A treaty was executed on the 31st, in which it was stated that the hereditary right of Azum Ul Dowlah to the throne of his ancestors had been acknowledged by the company. But this being communicated to the governor-general, this expression of right was objected to, and a direction sent to lord Clive to get the words altered, if he conveniently could, and to have it stated, that Azum had been established in the possessions of his ancestors by the liberality and moderation of the company's government, which liberality extended to the provision of a guard of their own for him, and a promise of a sum to support his dignity. But, what was remarkable in this treaty was, that it in one part gave these possessions, and in another took them away. The rightful prince was, from the 15th of July, 1802, to the day of his death, confined with his mother in the palace of Chepauk, which was his own private property; but where, notwithstanding, Azum resided.—The hon. baronet dwelt upon the imprudence and indecency of placing the prince in the same palace with the usurper, and stated that as soon as Mr. Addington heard of it, orders had been sent out to remove him. He would not charge the persons concerned in this with murder, such as that which was sometimes proved at the Old Bailey; he would not say that lord Clive could have had an intention to have the prince assassinated; but he affirmed, that those who placed him in such a dangerous situation with their eyes open were *in foro conscientiæ*, in a great degree implicated. The hon. baronet here adverted to a pamphlet, entitled "The Carnatic Question stated," and said that he never read so disgraceful a defence of any transaction, or one which was more calculated to condemn the party in whose favour it was written. With regard to what had been said of himself in it, he pitied the author if he wrote from necessity; if not, he despised him. He had scarcely ever seen a production on any political question that contained such monstrous, he might say, such villainous doctrines. Was it *tali auxilio, defensoribus istis*, that marquis Wellesley was forced to be protected? Reverting to the situation of the prince, he stated, that the unhappy man, after several ineffectual petitions to be removed, had written a letter, in which he strongly pleaded for being sent to another place, instead of being kept constantly in the power of the usurper, who had only to commit one act to finish his crimes. This proved prophetical; for the prince not long after died of a dysentery. He would not take upon himself absolutely to affirm, that there was something unfair in this transaction, but he would say, that he believed there was. In these transactions he could discern nothing of the British character. The moment they passed the Cape, he believed, with Mr. Burke, that they unbaptized themselves; and that when they landed in India, they became something like the Upas tree, described by a Swedish traveller, that blasted and destroyed every thing that came within the reach of its pernicious influence.—The hon. baronet then entered upon the examination of the alledged treacherous correspondence of Wallajah and Omdut ul Omrah, with Hyder and Tippoo, and contended that there was nothing in it that could be considered as sufficient evidence of the charge. He several times asked the hon. baronet opposite (sir John Anstruther), whether he would admit such evidence in his court in India? The 8th letter was merely a translation of a copy, and he asked if any lawyer would admit this as evidence. The 9th was from Tippoo to Omdut ul Omrah, in which the latter was stiled nabob of the Carnatic, though the letter was dated 1792, and Omdut ul Omrah had not ascended the musnud till 1796, from which it would appear that the document was a forgery. The hon. baronet went through all the 23 letters, commenting upon each separately, and contending that as they were merely representations of third parties of what they had heard, they were totally inadmissible as evidences of the guilt of Wallajah. But, even admitting that they could be received as evidence, he asserted that no honest man could lay his hand upon his heart and say, that they contained any indication of hostile intention on the part of that prince, or of Omdut ul Omrah, much less, evidence sufficient to justify the deposition of a sovereign ,and the usurpation of his dominions. Upon the parole evidence he observed, that it was given by the creatures of Tippoo, and the immediate dependants of the company, whom they alternately cajoled and threatened into giving such an account of the correspondence as it was the wish and interest of the British government, at the time, should be given. But neither by promises nor threats, to their own witnesses, could they attain their object of making good the accusation. And even supposing that Wallajah or Omdut ul Omrah, had been guilty of the alleged offences, what ground did his actions afford for the punishment of the son of the latter, and the grandson of the former? He put it to the house what effect such conduct would have, were any minister wicked or daring enough to attempt to practise it in this country? And was not justice the same all over the world, or had we one set of principles for India and another for England? With a view to the interests of the country, he maintained, that the extension of our Indian territory tended only to entail an immense load of debt upon the country. But this was but a secondary consideration, when compared with the iniquitous spoliation of an independant sovereign. Before sitting down, he conjured the house by the national honour and faith, of which it was the guardian; he conjured his majesty's ministers in the name of the national character, of which they were the protectors; he conjured every man in the name of that eternal justice which was the foundation of our happiness here and hereafter, to consider the importance of the vote which he was to give this evening. He was confident that it was essential to the security of our Indian empire to declare that the British legislature never would sanction any unjust or tyrannical act.—The hon. baronet concluded a long and masterly speech with moving the following Resolutions:

Resolved, 1. "That it appears to this house, that Mahommed Ally, otherwise called Wallah Jah, nabob of the Carnatic, was an ally of the East India Company, and under a vicissitude of fortunes, attendant on the introduction of the British power in India, adhered to the British cause, when it was endangered by the contending interests and arms of France; that under a just sense of the services so rendered by Mahommed Ally, and with the especial view to prevent all future controversy respecting the succession to that kingdom, an acknowledgment of the right in the person of the nabob Mahommed Ally, and in his heirs and successors for ever, was procured in the treaty concluded at Paris in the year 1763, and formally recognised therein by the powers of England and France.—That at various times since, the East India Company have entered into divers agreements and treaties, through their governments in India, with Mahommed Ally, under the character and title of nabob of Arcot, or of the Carnatic, for the express purpose, and with the avowed intent, of defending, jointly with their own, the title and rights of the said nabob; and especially in two treaties concluded in the years 1787, and 1792, the latter of which purports to be a treaty executed on behalf of the East India Company, their heirs and successors, and to be mutually binding as well on them as on his highness the nabob Mahommed Ally, and his successor, his eldest son Omdut ul Omrah, and his heirs and successors; that such treaty of 1792 remained in force, and as such, obligatory on the contracting parties, at the death of the said Mahommed Ally, which happened in the year 1796, who at his death was succeeded by his said son Omdut ul Omrah—That the said Omdut ul Omrah died in the month of July, 1801, without any alteration or modification of the said treaty having been made in his life time.—2. That it appears to this house, that the said nabob Omdut ul Omrah made a will, or testamentary writing, by which he appointed his son, the prince Ally Hussein Jah ul Omrah, &c. his heir and successor in the dominions of the Carnatic. An instrument which is admitted by the British government in India to have been competently executed, and in form, disposition, and principle, consonant to the Mahommedan law. That by such will the said prince Ally Hussein became, on succeeding to the rights of his father, a party to the treaty of 1792, which expressly included the heirs and successors of the said Omdut ul Omrah, and in virtue thereof entitled to the benefits, and bound to the observance of all the terms and conditions of such treaty. That the said prince Ally Hussein, on his succession, professed his readiness and determination strictly to fulfil all the obligations of the said treaty, and required the fulfilment of the correspondent obligations by the government of India.—3. That it appears to this house, that the government of Madras, acting under the authority of instructions from the marquis Wellesley, the governor general of India, refused to admit the said prince Ally Hussein, to succeed to the musnud of the Carnatic, in virtue of the will of his father the late nabob, and of the said treaty of 1792, unless he would previously consent to an ignominious and disgraceful surrender of all his rights in the territorial possessions of the Carnatic, and accept in lieu thereof an indefinite sum as a bounty or gratuity from the Company; and on the steady and dignified refusal of the said prince to accede to this unworthy and humiliating proposition, his succession was set aside, and another and more distant branch of the family of Mahommed Ally, namely, Azeem ul Dowlah, was placed on the throne of the Carnatic, on his acceptance of the above disgraceful and servile conditions.—4. That it appears to this house, that the said Azeem ul Dowlah, was raised to the musnud of the Carnatic, in the room of, and through the disinherison of the lawful successor, prince Ally Hussein;—that the injustice and tyranny of the act was not more disgraceful to the British name and character than the unfounded pretexts by which it is attempted to be justified, inasmuch as the pretended treason of the said nabobs Mahommed Ally and Omdut ul Omrah, on which the assumption of the Carnatic was founded, although alledged to have been discovered two years preceding the death of the latter prince, was never brought forward during his life, and could by no possible construction affect the right of the said Ally Hussein, the innocent and unoffending successor of the said nabob. This house, therefore, is of opinion, that the British power in India, intrusted to the marquis Wellesley, has, in this instance, been employed by him wantonly and unjustly, to deprive the lawful heir to the Carnatic of his undoubted rights, contrary to every principle of justice and equity, in violation of the sacred faith of treaties, and to the degradation of the British name and character in India.—5. That it appears to this house that the person of the prince Ally Hussein, the rightful nabob of Arcot, was committed to the custody of the said Azeem ul Dowlah, who had, through the undue exercise of the power of the company, usurped his dominions; that the said prince Ally Hussein, notwithstanding the frequent remonstrances and representations made to the British government, by himself and others, of the humiliating and degrading state to which he and his family were reduced by such confinement—notwithstanding his representations of the imminent danger to his life, which he anticipated from being placed in the power of his enemy, and the usurper of his throne, was suffered to continue in such custody, until the 6th of April, 1802, when he died.—6. Resolved, That policy as well as justice loudly demands the vindication of the character of Great Britain in India, from the reproach of the above transactions; and that the interests, if not the preservation of our empire there, calls for some public act, which will convince the native princes, that a religious adherence to its engagements, will, in future, characterize the British government. Consistently with these sentiments, and at a time when our implacable enemy attempts to justify his atrocities and despotism in Europe by the example of our conduct in India, it is peculiarly incumbent on the house, in the name of the people of England, to declare openly to the world, that the British parliament never did, or will countenance any act of oppression and injustice in its Indian government. And as evidence of its sincerity, this house resolves forthwith to appoint a committee to inquire into the beforementioned act of the assumption of the Carnatic—the alledged motives thereof—and into the particulars of the treatment of the family of our late ally, the nabob Mahommed Ally and of the prince Ally Hussein, the lawful successor to the musnud of the Carnatic; and that it be an instruction to the said committee, to inquire into, and to report whether any and what reparation can, or ought to be made to the said family, for the injuries they have sustained by the usurpation of the said Azeem ul Dowlah; and that they may further report their opinion by what means the British character can be most effectually rescued from the obloquy and odium incurred from the above conduct of its servants; and how the British interests in India may be best secured from injury thereby."

The question upon the first Resolution being put from the Chair,

Mr. *Wallace* rose and began by saying —In offering myself to your attention, Mr. Speaker, for the purpose of objecting to the Resolutions proposed, and taking a view of the event to which they relate, essentially differing from that stated by the hon. baronet who has just sat down, I may be permitted to express some degree of surprise, arising from the period at which this subject is now submitted to the consideration of the house. If the transaction in question be of the nature described in the speech we have just heard;—if the epithets of foul and atrocious, which have been repeatedly applied to it, have been justly applied;—if it does indeed, as vitally as it is said to do, involve the faith, the justice, and the character of the country;—if it is not brought forward rather for the distinction of an individual, than as a necessary vindication of the national honour; —it is surely a matter of just astonishment, that it should not be till after the sixth year from the time it was first brought under the notice of this house,—that it should not be till after every document elucidating it has been printed and reprinted for the consideration of three successive parliaments—that we are at length arrived at this long looked for discussion. I do not mean to accuse the hon. baronet: it is only for a comparatively short part of that period he has had a seat in this house, and I must do him the justice to say, that since he has undertaken the business, I am not aware of its having been delayed a single hour on the ground of his personal convenience;—but if there are those who concur in his impressions, who are prepared to manifest that concurrence by their votes this night, and who have enjoyed opportunities which he has not possessed, of appealing to the judgment of parliament,—it will become them, nay, sir, they owe it to themselves, to this house, and to their country, to repel, if they can, the charge of such a dereliction of their public duty, as irresistibly results from their having endured, for so long a period, a stain so foul to disgrace the British name—from having left the national faith and justice, six long years, wounded, impeached, dishonoured, and, as far as depended on their efforts, wholly unredressed.—Late as it is, it must still be a matter of satisfaction, as well to the noble lord against whom the resolutions are principally directed, as to all who either from personal or public motives feel an interest in the subject of them, that the accusation is finally before the house; and I trust that the decision of this night (not such as anticipated by the hon. baronet, but one more consistent with substantial justice) will set this question at rest for ever; that it will not be suffered to continue suspended over our heads, or furnish, any longer, against the noble lord and our counsels in India, a vehicle for every species of libel and calumny, that ingenuity, disappointment, and revenge can devise or propagate.—That a measure of the description of this now under our consideration should not excite clamour and hostility in some quarters, would have been contrary to every rational probability and expectation. No man who knows what has been passing in that part of India for the last thirty or forty years—the corruptions, the abuses, the iniquities, that have prevailed there, but must have foreseen that a measure calculated to eradicate those corruptions, to frustrate the hopes of avarice, to blight for ever the harvest of plunder and extortion, would have to encounter a host of foes, and be assailed by detraction in every form. But to me, sir, and I trust equally to the house, such enmity is in fact its best recommendation—it is a proof that it has effectually accomplished one of its most important objects; an object dear to the interests of humanity, and the happiness of millions, by destroying a system the most baneful that ever existed; to which not your resources only, but the country itself, and its inhabitants in all their gradations, were the victims; which degraded the prince; which impoverished the landholder; which oppressed the peasant; which drove labour from the field, and industry from the loom; which depopulated the provinces, and spread desolation and misery over the whole face of the land.—But, much, sir, as humanity, much as policy might be interested in the extinction of such a system, had they been the only grounds of the great measure adopted; however convinced I might have been of the soundness and the validity of each of them, I will readily own I should have thought the justification they furnished incomplete and unsatisfactory. I am too well aware of the danger of such alledged principles of action, and the abuse to which they directly tend; it is not on these grounds that a pretence of right is founded; it is on the violation of every tie of public faith, gratitude, and friendship; on the contempt of the most solemn engagements and binding duties of alliance, connected with a systematic conduct of unequivocal hostility on the part of the nabobs of the Carnatic, supported by facts no man can deny, established by inferences no man can dispute, that the rights we asserted rest, and that this measure was embraced by those to whom the care of the British interests in the East was delegated, and whose first duty it was to maintain and protect them.—The speech of the hon. baronet, and the resolutions, convey but a very imperfect outline of the transaction before us: from the documents on your table alone, can the real nature and character of it be collected. From them it will appear, that owing to the perfidious and hostile conduct of the successive nabobs Wallajah and Omdut ul Omrah, it became the right, and was consequently the duty, of the British government to provide for the security of its interests, as connected with the Carnatic; the intended exercise of this right having been evaded by the death of the latter, and not acceded to on the part of his natural heir, Ally Hussein, the usual course of succession was changed, and another prince of the same family raised, by our power, to the throne.—The considerations arising out of his statement obviously divide themselves into the rights we possessed; the duty of exercising those rights, in the manner and to the extent in which they were exercised; and, lastly, the circumstances with which the exercise of them were attended.—Before, however, I proceed to discuss the points I have adverted to, I feel myself under the necessity of detaining you for a few moments, to refer to the state and origin of our political connection with the nabobs of the Carnatic, because I am desirous of correcting some impressions on that subject, which the hon. baronet's speech seemed calculated to convey.—Those who are acquainted with the history of India know that the family of Wallajah had no hereditary claim to the situation of nabob of the Carnatic; that the way to the musnud was opened to Anwar-ud-deen, his father, by the means of two assassinations, of which he was not supposed to be wholly innocent. This prince afterwards sunk under the united arms of the French and the soubah of the Deccan, and fell at the battle of Amboor, where his eldest son was at the same time made a prisoner; while his second son, Mahommed Ally (known subsequently by the name of Wallajah) fled, stript of every thing, to the fortress of Trichinopoly; a new nabob was immediately appointed by the victorious party, and the fortunes of the house of Anwar-uddeen seemed to be for ever extinguished. In vain did Mahommed Ally proclaim his pretended title to the succession; in vain implore the friendship of the French, by whom his rival was avowedly supported. His last resource was to solicit the protection of the British government. Fortunately for him our situation at the moment, and the necessity of preserving our own existence in the peninsula, forced upon us that of resisting the increasing power and ambitious projects of France. We extended to him therefore the protection he solicited; and how we performed our part need not now be told. After an arduous and glorious contest, success crowned the British arms, and the consequence of that success placed Mahommed Ally on the musnud. Having thus raised him from the dust, and, in an evil hour, given him the possession of a great and flourishing kingdom, having procured the recognition of his title both in India and in Europe, it is not easy to conceive what services he could render that were more than adequate to those he had received—less than fidelity and attachment to the power which had retrieved the fortunes, and revived the splendour and power of his house; less than a fair participation in the resources of the country, gained by our arms, to the extent which might be necessary to maintain the common interest of its defence, we could not, in justice to ourselves, demand, and more we did not claim.—This, sir, is the language of all the treaties concluded with this prince, and these the conditions of all his claims to the support which he invariably experienced from the British power.—It is not my intention to enter into any details relative to what has passed during the connexion which has so long subsisted; or to give you a history of the intrigues, the corruptions, the impatience of our power, the struggles for independance, and the unprincipled ambition, which have been exhibited on the part of the nabob; neither do I mean to detail the instances of his faithlessness to all his engagements, which has in every war in which we have been engaged, embarrassed the progress of our arms, and more than once brought our affairs to the very verge of ruin; but I shall come at once to what bears more directly upon the subject of our discussion; I mean the treaty concluded by sir Archibald Campbell in the year 1787.—That treaty was in part pecuniary, and in part political; it provided an annual sum for the discharge of the nabob's debts, and for a large military subsidy, for which it appointed a landed security; and it precluded him from entering into any political negociations or controversies with any state or power, without the consent or approbation of the president in council of Fort St. George.—The alledged distresses of the nabob, and the difficulties he professed to feel in fulfilling his pecuniary engagements, induced lord Cornwallis to consent to a revision of this treaty; and in consequence of that revision a new treaty was concluded in 1792, between the British government in India and Mahommed Ally, known by the name of lord Cornwallis's treaty. By this engagement the nabob was relieved from a large proportion of the burthen of his payments, and his son Omdut-ul-Omrah was acknowledged as his successor.—For this modification of our rights, for this relief of the nabob, what was our compensation? A recognized power of assuming the civil and military administration in time of war, which we had before really possessed, and practically exercised: a security, supposed more efficient, for the regular and permanent discharge of the military subsidy; and a renewal, in more precise terms, of the article precluding all political correspondence between the nabobs of the Carnatic and foreign powers, without the knowledge of the British government.*

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* Tenth article of Treaty of 1792.—"The said Nawaub shall receive regular information of all negociations which shall relate to declaring war or to making peace, wherein the said Company may engage, and the interest of the Carnatic and its dependencies may be concerned; and the said Nawaub shall be considered as an ally of the said Company in all treaties which shall in any respect affect the Carnatic, and countries depending thereon, or belonging to either of the contracting parties contiguous thereto; and the said Nawaub agrees that he will not enter into any negociation or political correspon-

This treaty, exhibiting on our part nothing but consideration for the situation and feelings of the nabob, and giving us additional claims to his attachment and gratitude, was scarcely concluded, before it was basely violated, not in its letter merely, but in its vital spirit and fundamental principle. While it was yet actually negociating, the nabob will be found to have commenced a correspondence, not with an allied or friendly power, but with Tippoo Sultaun, the sworn enemy of the British nation, with whom peace was only a preparation for war, and the undisguised purpose of whose hostility was the total extirpation of our name from the peninsula of India. A prince, whose very act and thought bore testimony of irreconcileable hate; whose daily meditations and nightly dreams, presented to him but one object, and that object the destruction of our empire. With this man, did the nabobs, Wallajah and Omdut ul Omrah, (both parties to the treaty of 1792,) while the ink was yet wet with which they signed their engagements to be faithful to us; in contempt of that solemn tie, in defiance of every condition by which their power was enjoyed; with this man, did they solicit communion and correspondence; to his projects did they become accessaries, and for his successes, did the aged Wallajah (as he tells us) weary heaven with petitions. Successes which could only be obtained by our loss, and triumphs which could arise only from our humiliations and defeats.—What rights such perfidy, when detected, confers, I shall discuss presently. The first question is, whether there is sufficient proof in the documents before the house to establish the charge.—I remember, sir, a right hon. gent. (Mr. Sheridan,) who formerly called our attention to the subject of the present discussion, and on whose powerful aid, the hon. baronet has told us, he places his chief reliance in this day's conflict, when addressing you on one of the preliminary discussions relative to the production of papers, implored the house to weigh well the delicacy of the situation in which it stood, in coming to the consideration of this transaction. Who, he asked, was the accuser? the British government. Who the judge? the British government. To whom accrued the benefit of the conviction? the British government. This, sir, is true; and I hope with these impressions, and with an honest wish to decide without prejudice, I entered upon the consideration of it. I know not what credit I may have with the hon. gent. when I declare the result of that consideration to have been, a conscientious conviction, that the charge against the nabobs was substantiated. I do not mean, that the evidence is such as the strict accuracy of a British court of justice might require; but that there arises from it that degree of presumption, on which nations have universally acted, and on which nations must act if they have any regard for their safety. There is reason for caution undoubtedly, but caution ought not to degenerate into timidity; and I own I should have little respect for that man, and think him little fitted for his situation, who, entrusted with the affairs of a great people, from apprehension of the clamour of the misrepresentation and injustice he might eventually experience, could consent to sacrifice one atom of the interests he was delegated to preserve.—The evidence is of two kinds, partly to be found in the correspondence, and partly in the conduct of the nabob. The first part I shall consider is the correspondence.—After the fall of Seringapatam, it is known that all the papers of the sultaun fell into the hands of the British government. In these papers were discovered the various negociations in which he had been engaged with different powers, and amongst them, a correspondence implicating the nabobs Wallajah and Omdut ul Omrah, carried on through the vakeels, who attended the sons of Tippoo when hostages at Madras, for the performance of the conditions of peace in 1792.—Of the authenticity of these papers, the hon. baronet has not ventured to express much doubt. In fact, sir, they are so recognized by the evidence of the vakeels themselves, through whom the communications passed, that it is not necessary to rest on the circumstance of their transmission by the governor general, whose authority, independant of that circumstance, I would not condescend to balance against the supposition of the khans, that it was possible they might have been introduced among Tippoo's papers, by enemies of the nabob Omdut ul Omrah.—Assuming then their authenticity, they prove in the first instance, that a correspondence was carried on between Tippoo Sultaun and the nabobs of

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dence with any European or native power, without the consent of the said Company."

the Carnatic, through a secret and unavowed channel.—Fully am I aware of the spirit of intrigue prevailing among the princes of India; and I admit, that a correspondence, which, in Europe, would infer a violation of every tie of honour and good faith, may not, in the native courts, be always liable to such an imputation: but, to that I must answer, that the British government was known to act on other principles; that it was known to apprehend danger from such correspondence; that it had anxiously precluded them in two successive treaties, and that the nabobs had every reason to be sufficiently conscious of the interpretation we should put upon, and the indignation we should feel, at the discovery of such clandestine intercourse.—The first observation, then, that presents itself is, that any correspondence between the parties in question, was at least a ground of grave suspicion. Next, that a correspondence carried on in defiance of the warnings arising out of the treaties, and with a certainty of the feelings that would be excited by the detection of it, could not be one of idle form or empty compliment; that it must have had distinct objects, and objects of an interest commensurate to the risk incurred; objects which demanded secrecy, and rendered the precautions resorted to, not superfluous; that this correspondence must therefore have been of a nature, not less important in itself than inconsistent with the relations of good faith, common interest, and friendly connection, in which the nabobs stood towards the British government. Such, I say, would be the inference from the very existence of a secret correspondence, between parties so circumstanced as the nabobs and Tippoo Sultaun. The one, our ally, united to us by every tie that can be supposed binding on man; the other, instigated by the most inveterate hate, and in the very act of meditating, if not preparing hostilities against us.—If this interference be a just one, the object of inquiry is, next, whether there is any thing in the contents of the papers themselves to invalidate or destroy it, or whether they are not, (as I think they will be found to be when fairly examined,) calculated to confirm and support it, and when combined with subsequent events, to establish it beyond the possibility of refutation.—The hon. bart. has objected to these papers as being extracts. It is true, sir, they are so; but that they are fairly taken, that they convey the real sense and purport of the letters from which they are drawn, is proved, by their having been exhibited to the very parties who wrote them, who, disposed as they appear in the course of their examinations, to make the interpretations they give most favourable to the innocence of the nabobs, would undoubtedly have urged the objection, had they recollected or perceived the omission of any passages in the letters, likely to contradict the obvious tenor of the extracts produced.—To the general truth of what is related, (though the expressions of personal regard may be, as indeed they are said to be, occasionally heightened,) the very situation in which the vakeels stood, bear, as well as their subsequent examinations, ample testimony. It is scarce possible to imagine a statement, generally speaking, more to be relied on, than one made by ministers without any visible interest to deceive, intended for the guidance of their sovereign's conduct, and of a sovereign too, of the character of the sultaun, whose vigilance would probably have detected, and whose arbitrary and cruel disposition would have led him to punish, any material deviation from the truth, with the last, and most exemplary severity.—The general style of these papers is that of extravagant adulation towards the sultaun, and had they contained no more, I should have, in a great measure, agreed with the hon. baronet, that they would have been little entitled to our attention, as we all know, that in the inflated terms of eastern correspondence, assurances of attachment and devotion, mean frequently nothing beyond common compliment, or at most, general friendship and good will.—But to come to the papers themselves: it is with regret I feel that the hon. baronet's speech has imposed upon me the necessity of entering into a detail that may be fatiguing to the house; but I can assure gentlemen, that I shall detain them no longer than may be absolutely requisite to do justice to the cause I am supporting, and will call their attention to those points only, which appear to me most important in directing our judgment, and which are generally confirmed by the concurring testimony of the witnesses examined at Vellore.—The first paper, with which this singular correspondence commences, relates two separate conversations, which appear to have taken place between the nabob Wallajah, and the vakeels of Tippoo, on the

10th and 13th of June 1792. It should seem, that from the events that had taken place in the course of the last years, the nabob entertained some doubts of the manner in which his proposition might be received, and that some management was requisite in the introduction of it: he therefore begins by an address to the ruling passion of Tippoo's mind, his bigotry and ambition to be universally considered as the chief pillar and champion of the Mahommedan faith. In this character, the nabob directs his address to him, and follows up his expressions of attachment to the faith, and to him the protector of it, by reprobating, as a confederacy formed for the subversion of religion, the war recently concluded. A war, (if ever there was one) strictly just and defensive on our part, and deriving its origin from the unwarrantable aggressions of the enemy; after then adverting to the events of former hostility as past recal, the nabob declares his desire to establish a cordial harmony with the sultaun, and earnestly solicits the vakeel to forward his purpose, as pregnant with great and numberless benefits to both parties. Thus, sir, is laid the foundation of this extraordinary correspondence, an intercourse between the nabobs and the sultaun.—The subsequent conversation is said to have passed in the presence of lord Cornwallis. His expressions of attachment to Tippoo, his dislike of the war, are both expressed indeed, but expressed in more guarded terms. The circumstance, however, to which I particularly wish to call your attention in the conversation, is this, that not one syllable is breathed, which indicates the connection he had proposed in the former one. If, as it has been pretended, this was perfectly innocent, if he was acting only in conformity to the wishes of lord Cornwallis, and this connection was held out merely to conciliate the sultaun, without any serious intention attached to it, why this difference? why the suppression of all mention of that which, if known, could, on these suppositions, be known only to his advantage?—The next letter on which I wish to fix your attention, appears marked No. 4. The contents of the intervening ones are confined to the sultaun and his ministers: they relate to a writing and a couplet connected with a secret commission he had entrusted to them, and which is satisfactorily explained in the evidence: on them, therefore, I shall offer no comments, but shall come to No. 4. In this also a conversation is related between the nabob Wallajah and the vakeels, in which the former, after again connecting the sultaun with the cause and maintenance of religion, and praying to God to preserve him victorious and triumphant, is represented as adverting to his former conversation, and the proposition he had offered, and inquiring if the vakeels had communicated it to the sultaun, and received a favourable answer. They replied, they had communicated it; and then proceeded to convey the answer with which they were charged, and which amounts to a ready acceptance of the proposition, on the ground of that friendship which ought to subsist amongst the professors of the Mahomedan faith.—It is at least manifest from this letter, that the nabob attached an interpretation not quite consistent with barren compliment, to the proposition which he had hazarded. Had he felt that it was in the common course of complimentary intercouse between princes; had he felt that in that light, the sultaun would have received and interpreted it, why this solicitude for an answer which, in its nature, could be nothing but an echo of his own idle and empty compliment? The following letter still more confirms my inference, and shews that in the mind of Tippoo, no more than in that of the nabob, was the proposition in question considered as a mere unsubstantial illusion.—This is a letter from Tippoo Sultaun to his ministers, expressive of his sense of the friendship of the nabob, and the kindness shewn to his sons, with the strong intimation of his hope that the nabob would do whatever may tend to the support of the religion of Mahomed.—What precise expectation this is intended to convey, is beyond my power to ascertain with distinctness, but the nature of the services looked for, may be in some slight degree conjectured, as well from what is deemed generally necessary to the support of the cause of the Mahomedan faith, namely the co-operation of all Mussulmans for the destruction of infidels, as from the known views and sentiments of the sultaun, and the services we shall find hereafter to have been actually rendered to him by the unquestionable fidelity of this our ancient and trusty ally.—Notwithstanding the contempt with which the worthy baronet has affected to treat the correspondence generally, he has vouchsafed, not without reason, to honour the next paper with a considerable portion of his attention, and laboured, if not successfully, certainly zealously, to destroy the effect which such a paper cannot fail to produce. It professes to be the key to a cypher—it bears the strongest internal evidence of having been contrived for correspondence embracing political subjects, and is authenticated by the signature of Omdut ul Omrah himself.—Ally Reza Khan, one of the vakeels, gives you the history and intention of it. He is asked if he ever saw the paper, he says, 'I 'have—it was instituted by Wallajah for 'the purposes of secret communication, 'and the original, I believe, is written in 'pencil by Khader Newaz, or some per'son about the nabob Wallajah.' He says afterwards, 'To my knowledge it 'was never brought into use, it having 'been intended for use after the departure 'of the hostages, in case of necessity.' Again, 'It was delivered to Gholam Ally 'Khan by Khader Newaz Khan, and to 'me at my departure (to Seringapatam) 'by Gholam Ally Khan, who told me it 'had been composed for communication 'between Tippoo Sultaun and the nabobs 'Wallajah and Omdut ul Omrah. That a 'copy should be given to Tippoo, and the 'original brought back to Madras. Tip'poo Sultaun, however, kept the origi'nal.'—No one will feel surprize that some pains should be taken to discredit and invalidate this fatal document; but till the ingenuity or eloquence of the hon. gent. can erase the contents of it, till he can rail away the signature that authenticates it, or completely pervert the course of human understanding, here it remains, and will ever remain, an irrefragable testimony of the faithlessness and duplicity of which it was devised to be the instrument. We are told cyphers are common in India—it may be so; but to be used, I apprehend, as cyphers are habitually used in Europe, in confidential communications between a minister and his court: but this I believe is the first instance in the history of cyphers in which one was ever devised to be the means of communication between two courts; if there ever was such an instance, I shall be most thankful to learn where it is to be discovered.—In his endeavours to throw discredit on this document, the hon. baronet has resorted to the observation of the key and the cypher being upon the same paper. The very mode, sir, of its transmission, in the course of which it was to pass only through the most confidential hands, may sufficiently account for this circumstance. It is said too to be so aukward and ill-contrived, that it never could answer the purposes of secresy: Be it so, be it as wanting ingenuity as you will. What is its ingenuity to the purpose? Ingenious or otherwise, it is still a cypher; and no cypher is instituted except with the intention of concealing what is supposed to require concealment. If we make this admission, (and how is it to be refused) if we believe the account given by Ally Reza Khan, which there is no reason to dispute, can we doubt that the correspondence of which this cypher was the intended instrument, in case of necessity at a future time, was felt to be of a nature to involve matters to which concealment was essential? and to what correspondence such a concealment could be essential, except to one, repugnant to the existing engagements between the nabobs of the Carnatic and the British government, I own myself incapable of imagining, and must rely on those who support the resolutions to explain.—Were the evidence drawn from written papers confined to this document, coupled with the details already adverted to, and combined with subsequent circumstances, I should think it far from inconsiderable. We have the proposition on the part of the nabob—the acceptance on the part of Tippoo, and in consequence of the harmony, as it is called, so established, a cypher manifestly calculated for correspondence on political subjects, and avowedly devised to carry on the purposes of such correspondence, whenever the present channel of communication between the parties should cease to be open. To have thus conveyed to Tippoo, under every precaution of secresy, the means of communication, means which anticipated all the chances of interruption with a providence and anxiety nothing but objects the most important could call forth, would, in itself, prove the eager solicitude in the nabob to maintain a connection with a prince, who, inexorably hostile towards the British power, not only habitually cherished, but, at the very instant, was meditating hostile projects against it. Had we no more than this, I say, it would warrant, not simply a suspicion of the most faithless designs, but would amount, if not to a literal infraction of the subsisting treaty, at least to a virtual violation of the vital spirit of it, and justify the adoption of measures for the protection of our rights and interests in the Carnatic, from the injury to which they might be exposed by the infidelity or treachery of our ally.—About this period it appears that Ally Reza Khan made a journey to Seringapatam; it is mentioned in the next letter, the principal object of it is explained by the evidence as having been to impress with greater force upon the mind of the sultaun, the representations of lord Cornwallis, relative to the prisoners still detained, and the cruelty with which they were treated; the allusions in it are said to apply to lord Cornwallis and Wallajah. On this letter I shall not detain you with any remark, beyond calling the attention of the house to the journey adverted to, and the period at which it took place. I proceed, then, to the two which follow. They are from Tippoo to the nabobs Wallajah and Omdut ul Omrah: they contain little more than professions of regard, and merit observation only on account of the application of some of the designations in the cypher, as 'the well-wisher of mankind' to the nabob Wallajah, 'the distinguished in friendship' to Ally Reza Khan. The second of these, however, from a supposed trivial mistake in the title of it, has been selected by the hon. baronet, and treated as a convicted fabrication. If, sir, there is one letter more than another, that bears internal evidence of its own authenticity it is this: for in the whole collection there is scarce one of so little importance. Had those who conducted the transaction, in question been capable of condescending to any forgery as the means of warranting it; had they really introduced a fictitious letter into the correspondence, it is not surely presuming much to suppose that they would have introduced one that might have borne strongly upon the point it was their natural object to establish, and from which powerful inferences might be deduced. But from this it would require more than human ingenuity to extract any thing of real importance. And if it be a fabrication, it is not only improbable in respect to the character, and unworthy of the ability of those to whom it must be attributed, but certainly the most gratuitous and unprofitable one that ever was committed.—The harmony and union being thus, sir, established, the letter we now are to consider begins to display the fruits of it; to this I shall join No. 12, because the observations, applicable to that immediately before me, are, in a great degree, applicable to both. They alike convey intelligence of considerable moment to the sultaun's interests, and advice for the regulation of his conduct as arising out of it. They alike expressly refer to the good understanding recently established, and may be not unfairly admitted as a proof of the nature of those services which the sultaun appears to have expected from the nabob, as tending to the support of the Mahommedan faith.—Before I proceed to the contents of these two letters, I beg to be allowed to put it to every man who hears me, with what impressions he would learn, that a person who had received the most substantial benefits from this country, who, maintained by its bounty, and existing but by its protection, after soliciting and establishing a secret intercourse with a foreign power, had been detected in conveying to it intelligence, and suggesting counsels for the government of its measures, at a period too, when, though nominally at peace, it was known not only to entertain the most inveterate enmity toward us, but was suspected of actually preparing to give effect to that enmity? Suppose, for instance, that one under these circumstances had been detected at any time, in writing to the French, or any foreign government actuated by feelings similar to those of France, in terms of this kind: "The conduct you are pursuing excites suspicion—be more cautious—this is not the moment to commence hostilities with any prospect of advantage. There is now a minister who enjoys the confidence of the country—who is capable of calling out all its resources, and directing them against you with energy and success—wait a little—symptoms of a change in our counsels manifest themselves, and there appears the chance of a successor the very reverse of the minister I have described: when this change takes place, you may prosecute your hostile purposes without apprehension.'—Or, imagine, sir, the design of the hostile power to be the invasion of this kingdom, and the person I am supposing had written 'Do not attempt to invade Great Britain. Here every man is devoted to the government of his country, and every arm will be raised to drive you from its shores—Here your attempt can only expose you to inevitable destruction: but, there are other parts of the British empire more vulnerable, where you may possibly find less of union, or less preparation to resist your attacks; there direct your efforts; but as you tender your hopes of success, or 'your escape from destruction, avoid an 'invasion of England.' If, sir, such counsels were detected, accompanied with every expression of attachment and devotion to that power and to its cause, I ask, What would be the impression on every unprejudiced mind? would it be, that this was done in the spirit of loyalty, and zeal for the service of this country?—that in one instance it was to obviate the calamities of war—in the other, to avert the perils of invasion from the shores of England? Or, is there a man who would not feel that such counsel must be intended for the benefit of the adverse power, and that it spoke the language, as it betrayed the heart, of an enemy and a traitor?—Having made this observation, I beg the attention of the house to the letters in question. They relate two messages conveyed through Kader Newaz Khan, a person enjoying a great share of the confidence of the nabobs of the Carnatic. Tippoo, as it seems, was endeavouring to excite and combine all the Indian powers against us; while in the prosecution of this object, the activity of his negotiations at Poonah, alarmed the vigilance of the British resident, who immediately apprized the supreme government of his suspicions. This comes to the knowledge of the nabob; and what is the conduct of our faithful friend on the occasion? He proceeds directly to communicate the intelligence he had received to the sultaun, advising him, at the same time, in the spirit of that cordiality by which they were united—to do what? to lay aside, no doubt, his hostile designs, to cultivate friendship, and preserve peace with the British power? No, no, quite the reverse, the advice of this our incomparable ally, is of a very different complexion, (in conformity, no doubt, to the British interests, and the views of its government); it prudently suggests to the sultaun the policy of suspending his measures, till the approaching departure of lord Cornwallis should leave the field open to him, to act with safety and effect; and then, whatever might be his highness's pleasure would be right and proper. Such is the purport of the first message. The second contains also similar information and counsel, relative to the situation of the French at Pondicherry. Nothing is now, says the nabob, to be expected; and following the impulse of his friendship towards the sultaun, he advises him, not as one should expect, to detach himself from his dangerous connection with the French, but to communicate with them less directly—to refrain for the present from open correspondence, and to confine his intercourse to verbal communication. To the nature of that intercourse we must, therefore, conclude the nabob to have been no stranger, and his suggestion the result only of his interest for its safe continuance, without interruption or observation from us; an intercourse doubtless most friendly to the British power: between parties such as Tippoo Sultaun and the French, how could it be otherwise?—I shall conclude my remarks on these important documents, by observing, that the intelligence contained in them is, in both instances, referred to the union and friendship established between the nabob and the sultaun. Both instances prove the hostile designs then meditated by the latter; and that the nabob, neither ignorant of them, or unsolicitous for their success, was prepared to avail himself of whatever means might be in his power, to promote and assist their accomplishment.—Though the obvious connection of the two letters I have just commented upon, led me for a moment to pass the one that intervenes, I cannot consent to leave it entirely unnoticed; containing, as it does, a message from Omdut ul Omrah, in his own name, expressive of the most fervent attachment to the sultaun, followed by a promise, that, please God, at a proper time, his fidelity should be manifest. I notice it first, because it shews how cordially Omdut ul Omrah acted, not merely as the minister of his father, but as a substantial party in this negociation, and still more, because in this promise so given, will be found the key to his subsequent conduct: it will hereafter be seen, when the occasion did occur, how he remembered the pledge he had given, and redeemed it with but too faithful punctuality.—The secresy that is one of the striking characters of the whole transaction, now increases in an extraordinary degree. New precautions are devised, and the interviews with the vakeels (which had never been hitherto subject to any restriction) are covered by fictitious pretences, totally foreign to their real objects.—The letter I next refer to, relates a meeting to which the vakeels were invited, under pretence of seeing a mosque, but for the real purpose of learning something of a secret nature, which the nabob Wallajah had long felt a wish to convey to them;

the interview takes place in a tomb near the mosque, and a question is put to them by Omdut ul Omrah, whether they had full powers? Being satisfied on that head, he proceeds to deliver to them a message in the name of Wallajah: 'That for a 'long time there had been, without a 'cause, a veil, (or want of cordiality) be-'tween his highness and your majesty, 'which had been productive of injuries to 'both; but now that, by the favour of 'God, a system of harmony, such as is 'becoming among the professors of Islam-'ism, had taken place, his highness con-'fidently hoped from God, the prime cause 'of all, that the time past might be am-'ply redeemed; that for his highness's 'own part, considering from his heart 'himself, his country, and his property 'to belong to your majesty, he had made 'it a testamentary injunction to his chil-'dren and family, taking God and his 'Holy Prophet to witness, to pray night 'and day for the pillar of faith, (that is 'to say) your majesty; and to consider 'their prosperity and welfare as insepara-'bly connected with your majesty; that 'we must ascertain your majesty's wishes 'on this head, in a manner satisfactory to 'both; and if your majesty should be, 'from your heart, solicitous of this pro-'posed cordial harmony, his highness 'would, under the testimony of God and 'his prophet, detail to us his sentiments 'fully at the time of our departure, which, 'please God, would soon take place.'—Without adverting to the marriage, which is said to have made at this meeting the subject of a separate conversation with Gholam Ally, I must remark that, either there is a strange confusion in this message, or the words friendship, harmony, &c. must be understood in more than one meaning. The nabob first talks of harmony being established, and then desires them to ascertain if Tippoo is really desirous of the proposed cordial harmony; they either mean different things, and more is contained in the latter words than at first appears, or the passage is nonsense. Why, we are tempted to ask, is there any anxiety about full powers? All that was proposed in its simple and obvious sense, had been long ago both proposed and cordially accepted. To desire the vakeels, then, to ascertain the sultaun's disposition on this point, appears absolutely absurd, and we have no other way of extricating ourselves from the difficulty, but by concluding, that under the words, 'cordial harmony,' was veiled some new and distinct proposition, comprehended by the vakeels and the nabob, and involving in it what was far beyond any common meaning conveyed by the expressions in which it was couched; as well as beyond that union said to have been already established between the nabob and the sultaun. It could not be the marriage, because Omdut ul Omrah appears to be a party in it; and it is only in the succeeding letter we find he had been induced to take any share, or interest himself in the negociation relating to the marriage.—The following letter describes also a similar meeting in a garden, under an equally fictitious pretext, with this difference, that it was solicited on the part of the vakeels. Omdut ul Omrah is there stated to have conjured them not to commit to writing some expressions he used, saying, that he so expressed himself out of regard to the faith, and his friendship towards the protector of it. In the last paragraph of this letter it is mentioned, that they had induced Omdut ul Omrah to lay the foundation of the connection by marriage. To those who refer to this letter it will be clear, from the manner in which the marriage is mentioned, that whatever was conveyed under the mysterious expressions that were not to be committed to writing, it had no reference or connection with the marriage. The marriage, if at all a subject of negociation, was entrusted exclusively to Gholam Ally Khan. It is stated that a negociation for marriage is a matter of much delicacy among the Mahommedans, the nabob, therefore, would certainly not propose to treat on it with both the vakeels jointly. It appears besides, that separate conversations took place between Omdut ul Omrah and Gholam Ally Khan, at each of these meetings, said to be in relation to that subject, but we learn from the evidence of Gholam Ally Khan, that what they were conjured not to commit to writing, was communicated to both. The short extract from a letter of the sultaun too is a confirmation of this argument, and seems to leave no question of the marriage and the subject of these confidential expressions to be totally distinct. He directs them to inform him of the expressions of Omdut ul Omrah, and the 'thing you know of,' which is explained by the evidence always to mean the marriage. What then was the purport of these expressions? Ally Reza says, it was confined to professions of attachment, and to information relative to the French. Now, sir, it cannot be forgotten that both these had been long before communicated and written, and could not, therefore, require that solemn injunction of secresy that was imposed. We are thus reduced, I say, to the necessity of doing one of two things, either totally withdrawing our belief from Ally Reza Khan's account of what passed; or in admitting the truth of it, to admit, that under the words, friendship, attachment, and regard, was veiled a sense little corresponding, in point of comprehension and effect, to that in which they are usually accepted.—The ceremony which is related in the ensuing letter, as having taken place under the immediate directions of the sultaun, in the Jaumah mosque, does not immediately involve either Wallajah, or Omdut ul Omrah, as the younger branches of the family appear to have alone been present. The remark, therefore, that I wish to offer on this document, relates rather to the sultaun—the probability of his anxiety to connect himself with the nabob, and the prevailing purpose in his mind, of the connection he desired. It has been held out that the sultaun was indifferent to the pretended advances of the nabobs; and, it has been asked, what benefit could he possibly hope from such a connection?—Why should he be solicitous to contract ties with persons so little able to assist him as the princes of the Carnatic?—The question is satisfactorily answered by the evidence of Ally Reza Khan. He tells you, it was the sultaun's object to unite all mussulmen for the purpose of extirpating the English. It appears too, that though an oath of fidelity on this occasion was administered to the subjects of Tippoo only, yet that an exhortation was addressed to all who were present; and the intention of it was to attach the mussulmen to the sultaun, and to reprove them for adhering to those of a different persuasion. Let me ask, then, if the sultaun did entertain the object thus ascribed to him, the truth of which is beyond dispute? if he condescended, as stated in this letter, to appeal to the lowest of our subjects, with the view of subverting their allegiance, and of attaching them to his cause? must it not be evident that he would be most anxious to win over by every means in his power, not only a most considerable member of Islamism, but a prince whose influence extended over those very people, whom he had thus shewn his desire to enlist under his standard, and who possessed such means for aiding him in the prosecution of the object nearest to his heart? Is it credible, then, that he would have slighted such a prince, and neglected the proffered advantages of his friendship and assistance?—The delivery of the hostages, and the return of the vakeels to their master, took place in the interim between the date of this letter, and that of the one which follows, a letter, in some points of view, of considerable importance. It is addressed to Gholam Ally, under the fictitious signature of Gholaum Hussein, but written in the hand of Omdut ul Omrah. The difficulty and danger of communication sufficiently accounts for the purport of it being so little detailed, but those who have attended to the preceding letters, will easily trace in it a continuation of the former expressions of attachment, founded on the same basis, the maintenance of the Mahommedan faith, so well adapted, and so conciliating to the spirit to which they were addressed.—'Repeat this couplet,' he says, 'on my part, to the sultaun.'—In the 'preservation of thy person is the perpetual 'permanence of the faith. Let him not 'remain who wisheth not thy preservation.' —How unlike is this to the coldness of the avowed letter of form, written on the same occasion, namely, the marriages of two of the sons of Tippoo, and transmitted through the British government. 'I have received,' says the nabob, 'your letter, 'informing me of the celebration of the 'weddings of Abdul Khaleh and Mohammed Moiz ud Deen, together with a dress 'and jewels, and are made happy beyond 'measure by this agreeable intelligence— 'may the Almighty render this event 'happy.' How impossible it is not to be struck with the marked difference of the sentiment of the couplet from the style of the letter I have just read, and why this difference? Why? but that one is intended to convey what the other is intended to conceal.—In the year 1795, the nabob Wallajah died, and Omdut ul Omrah succeeded to the musnud. An embassy, charged with the compliments usual on such occasions, was sent by the sultaun; the letters, No. 18 and 19, are from the ambassadors; but there is nothing related, except one long conversation about union and friendship, on which his highness is said to have expatiated with great warmth. It is indeed stated, that the vakeels employed on this occasion were not persons to whom a negociation of much delicacy was likely to be entrusted:—at the same time, we must observe, that the following letter from Omdut ul Omrah makes a reference to his communications with them, as if something had passed connected with the former intercourse. This letter is, like the other, marked with the fictitious name of Gholam Hussein, and addressed to Gholam Ally. The introduction of it is material only on account of the reference I have stated, and as it carries on the existence of the correspondence to so late a period preceding the Mysore war.—The impression of the nature of that reference is forcibly confirmed by the subsequent letter from Khader Newaz Khan, the confidential minister before alluded to, whose name appears more than once as the channel of communication between the nabobs and the vakeels. Adverting in this to his previous services, he congratulates himself, and thanks the Almighty, that the system of harmony and union between 'the two chosen of the Lord,' (meaning Tippoo Sultaun and Omdut ul Omrah,) calculated to promote the happiness of God's people, and which his labours had been employed in establishing, had acquired the requisite degree of stability and firmness. The authenticity of this letter is fully supported by the oral testimony; nor is there any thing that has a tendency to invalidate the obvious inference resulting from it. It stands then as a convincing testimony, that whatever that mysterious and enigmatical connection, established under the name of union and harmony, really was, it was in force and operation up to the year 1797; that the same sentiments which impelled Omdut ul Omrah to participate in, and conduct the intercourse during the lifetime of his father; the same supposed interests, the same attachment to the cause of the sultaun that had previously governed and animated his exertions, accompanied him, undiminished, to the throne, where he waited only for an opportunity favourable to his friendship, and an emergency in which the fidelity he had solemnly promised could be manifested with effect.—Though many additional remarks on the contents of the several papers of the correspondence obviously present themselves, I will not further exhaust the patience of the house by continuing them; and in here concluding this part of the subject I only regret that a sense of justice to the question before us should have made me feel it a duty to dwell on it so much at length. But, sir, on the degree of conviction resulting from these documents, much must depend. The inferences I have deduced, the conclusions I have drawn, the impressions I have endeavoured to inforce, I must leave to the judgment of the house. I can only say, that to mine they are decisive, and that each suspicion the existence of such a correspondence excites, appears to me to derive validity and confirmation from every step we advance in examining its contents. All the facts they discover are so far from being weakened by the oral evidence, (if indeed such evidence could weaken the authority of any written documents) that they are more distinctly corroborated and established. Without troubling you by dwelling particularly on the evidence taken at Vellore, but leaving it to those observations which must strike any mind from the most cursory attention to it, allowing also to the witnesses whatever credit can be claimed for them, (and some credit I admit must undoubtedly be given) there is still nothing of moment that can be collected from them, that either in fact, or by inference, goes to refute or weaken any material part. By what has been stated from the papers, as well as by the concurring testimony of the vakeels, it is proved, that a correspondence embracing political objects was carried on, that a connection under the mysterious and indefinite terms of union and harmony was proposed on the part of the nabobs of the Carnatic, and accepted by Tippoo Sultaun; that for the purpose of continuing their correspondence, when the departure of the hostages should remove the existing channel of it, a cypher was instituted—that in prosecution of this connection, assurances of fidelity had been given to Tippoo, and intelligence conveyed to him accompanied with advice for the regulation of his conduct;—that in these transactions the utmost precautions of secresy had been deemed necessary, and the interviews held with the vakeels had been covered with fictitious pretences; and lastly, that the connection, whatever it precisely was, (for of its nature little doubt can be entertained,) actually subsisted in full force, integrity, and operation, in the year 1797.—It has been endeavoured to defend this correspondence, and to rescue it from the impressions it is obviously calculated to produce, by an explanation resting in part on a connection of simple friendship, and in part on an alliance by marriage at one time in agitation between the families of the sultaun and of the nabob Wallajah.' On the fullest consideration of this explanation I own I have found myself unable to accede to it: the difficulties it presents appear to me insurmountable. If it be possible to suppose a desire of mere friendship without an object, between persons so situated in relation to each other; if Tippoo Sultaun and Wallajah were likely to feel the influence of a pure disinterested sentimental attachment, it is yet hardly probable that a connection on this ground should have been solicited with so much earnestness and anxiety, as is manifested by the nabob in the first proposition of it, or an intercourse entered into by him at such mighty risks; nor is so innocent a view of the subject quite consistent with the secret meetings, the various precautions for concealment, the intelligence conveyed, and, above all, with the preparation and transmission of the cypher before adverted to. If, indeed, it is that union and friendship, which as it is said, ought to bind together the mussulman powers; if it meant to describe alliance and co-operation, mutual support, and inexpiable hostility against those of a different persuasion,—it may be nearer the fact, and remove these inconsistencies I have stated; but if it does so remove them, it demonstrates by their removal the establishment of that sort of connection which no one can deny was essentially repugnant to the spirit and sense of every engagement under which the nabob stood, and directly subversive of the interests and safety of the British empire in India.—But then there is the marriage. On the discordant accounts of the origin of that affair, as stated by the vakeels, I shall say nothing. I will admit that a marriage might be in agitation; but a marriage, if it be allowed to have made any part, on their own shewing, can account for a very small part only, of the communications that are related. It confessedly did not come into question till after the return of Ally Reza from Seringapatam; but before he went there, it must be remembered that this union of harmony and friendship between the sultaun and the nabob, had been proposed, accepted, and established, and for the purpose of continuing it, a cypher had been already transmitted, of which Ally Reza Khan was actually the bearer. In addition to this, sir, as the friendship and harmony commenced before the marriage was agitated, so it continued long after a connection of that kind had ceased to be thought of. Moez ud Deen was the only son of Tippoo, whose alliance was supposed ever to have been the object of a negociation of marriage. The marriages of this prince, however, and his brother, Abdul Khaliel, are recorded to have taken place in the year 1794, at which time we find ceremonial letters from the nabob were conveyed to Tippoo, congratulating him on the event. From that moment, then, all idea of alliance by marriage between the families must have vanished, but it appears from the letter of Khader Newaz Khan, the confidential minister of the nabob, that the other connection which had been established was still carried on, and possessed, as late as the year 1797, what he called the 'requisite stability.' I need not say more to make it evident, than that neither the marriage on one hand, or simple friendship on the other, is sufficient to explain the species of connection thus established, to reconcile the difficulties, or to dissipate the suspicion, and the obscurity, in which it is involved.—It is affirmed by the khans *, and also in Ally Hussein's letter to his agents, that no correspondence was carried on by the nabobs, contrary to their engagements: if a direct correspondence with Tippoo is meant, it may be literally true, and consistent with these papers, for they may be considered as an indirect, and not a direct correspondence. But so despicable a subterfuge is not worth dwelling upon or exposing. It is said too, that all that was done was done in conformity with the wishes of lord Cornwallis, who was desirous of preserving peace, and conciliating, if possible, the irritated and vindictive feelings of the sultaun. That this correspondence should have been carried on, with any knowledge or approbation of the governor-general, I venture to pronounce absolutely impossible. Whatever the policy and wishes of lord Cornwallis might be, with respect to Tippoo Sultaun, that he should encourage a separate correspondence between this prince and the nabob, at the very time he was changing the expressions of the former treaty of 1787, for the very purpose of more completely and effectually precluding any such intercourse, is, I say, absolutely impossible in itself, as it is inconsistent with the counsel conveyed to the sultaun, in one of the letters above referred to, to pause in the prosecution of his hostile

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* Appointed by Omdut ul Omrah ministers to Ally Hussein.

measures, till the departure of lord Cornwallis to Europe. But, sir, had the nabob felt this to be the case, had he felt that he was acting in support of British views, in alliance with British interests, why all this mystery? Why all these multiplied precautions to avoid detection? Why the cypher? Why the meetings under fictitious pretences? Why the hazards incident to all these proceedings? Why disguise that which, if known, would have been praiseworthy—which breathed nothing but firm attachment, loyalty, and affection to the British power, and zeal for its service, under the mask of deceit, perfidy, and breach of faith? Is it, then, too much to assume that this could not be; that instead of holding a conduct so repugnant to common sense, and disgraceful to a rational being, the nabob did feel that his objects were of a nature to require concealment; that, if detected, they would have excited the utmost jealousy and indignation of the British government; that they would have brought his state and situation into jeopardy; and that they were, therefore, of a nature subversive of his alliance, and in violation of every obligation towards that power which had raised, supported, and protected him. Admit this supposition, and every difficulty disappears, every contradiction vanishes, all is plain, simple, rational, and consistent. With this is consistent the anxiety with which a connection with the sultaun was desired and solicited: With this all the ardent professions of zeal for the support of the faith: with this, the undisguised reprobation of the war and our allies: with this, the intelligence conveyed, and the advice that accompanied it: with this, the assignations under feigned pretences, and the solemn adjuration to secrecy: with this is consistent the prayers of Wallajah for the triumphs of Tippoo, and with this the assurances of his son and successor, that when the occasion should arrive, his fidelity to him should be manifested; and, with this is consistent all the subsequent conduct of Omdut ul Omrah; when, in the course of the Mysore war, in his contemplation, the anticipated occasion did arrive; when the exigencies of our situation, when the success of the contest, and the safety of our empire, demanded every exertion, and every proof of his zeal and attachment. At that moment of pressure did he withhold his resources—at that moment did his officers impede the supplies of the army, in some cases resorting even to force to obstruct their passage, and at that moment did they create every embarrassment and oppose every obstacle within the extent of their power, to the progress of our arms. In short, sir, such was the conduct we experienced from this faithful and devoted friend, that during the existence of hostilities, and long previous to the discovery at Seringapatam, the governor-general, as it appears, not only entertained suspicion, but repeatedly and pointedly declared that the perverseness and disaffection displayed by the nabob, was reconcileable to nothing but a connection, or secret understanding, with the enemy.—It has been asked what interest the nabob could have in such a conduct? I do not feel, sir, that to infer the reality of the conduct I am obliged to assign to it an object of sound and rational policy. It is too much to presume, after all that the times in which we live have exhibited, that projects may not be formed, and designs pursued, that are not warranted by a true and enlightened wisdom. But if the policy of the nabob was not to aid the efforts of the sultaun; if, on the contrary, we admit what is stated, that he had little to hope, every thing to fear from their success, it must follow, that it was his real interest, faithfully to adhere to our cause, and to contribute, to the utmost of his means, in promoting and facilitating the triumph of our arms. That he did the very reverse, is incontestibly proved; and, if in so acting, swayed by any imaginary interest, he trampled on every principle of true policy and duty, by which he ought to have been governed, may we not presume that, swayed also by the same supposed interest, he may equally have carried on a correspondence, and formed a connection, at once hostile to his real welfare, to the faith of his engagements, and to the cause he was bound by every tie to make his own.—What beyond a general and mutual aid, as occasions might offer, were the precise expectations of Tippoo on the one hand, and of the nabob on the other, I will not detain you by an attempt to explain; on that the question does not turn, and I venture to call, with some degree of confidence, upon the house, to consider well the case laid before them, and after adverting to the relative situations of Tippoo Sultaun, and the nabobs of the Carnatic, one actually preparing war against us, the other our most intimate ally; looking at the correspondence itself, confirmed as it is by the oral testimony, in all its facts, with all the precautions for concealment that pervades and characterizes it; recollecting the solemn pledge of the nabob Omdut ul Omrah, and the manner in which, when the occasion was presented by the exigencies of a war in which we were called on to defend the existence of our empire in India, that pledge was afterwards redeemed. Let any man, I say, consider these things, and pronounce, if he can, in the face of God and his country, a conscientious belief, that the nabobs of the Carnatic were faithful to our cause, the duties of alliance, and their own engagements; that the charge against them is without foundation; that the treaties by which they were bound were not violated; that a correspondence of a political nature was not carried on; and a conduct resulting from it pursued, hostile to the just rights, and affecting the security of the British empire in India.—If, sir, the conclusion I feel it my duty to draw, and as it appears to my apprehension the only just one that can be drawn from all that has been stated, is the direct reverse of this. The rights accruing from it to the British government, become the next subject of inquiry and consideration.—The situation of the nabob may be considered in two points of view; one with reference to the original dependancy of his station, under the mogul constitution, and the opinion that, in releasing him from his allegiance to his natural superior, we only transferred that allegiance to ourselves, as well as with reference to the revertible condition on which he received the Dewannee, and the state of practical subjection in which he stood controlled in his foreign relations, and indebted to us, both for the external defence, and internal security, of all he enjoyed, regarding him, in a word, as a mere feudatory of the British power.—In the other point of view, he may be considered as relying, indeed, upon us for his safety and protection, but possessing, nevertheless, the rights of an independent prince; rights deduced from the circumstance of the condition of his engagements which have been alluded to, having been, on his part, repeatedly infringed, and that infringement never having on ours been made a pretence for resuming what our friendship had conferred on him, from repeated treaties having been concluded with him, both subsequent to, and in contemplation of these very breaches of engagement, and his having on these occasions, both treated and been treated with, in the character of an independent prince. Thus it may be said, as far as related to us, though maintained by the power and protection of our government, he was invested with all the political and personal rights incident to real sovereignty and independence.—To this latter opinion I own myself inclined to accede, but I cannot admit that the treaty of 1763, alluded to in the resolutions, has any bearing or effect on this question. The article in that treaty which alone mentions the nabob, was introduced for the sole purpose of terminating the disputed claims of Salabat Jing, and Mahomet Ally, in support of which respectively, France and England had carried on the war in the peninsula of India. They therefore joined in recognizing, as far as they were concerned, the former as subah of the Deccan, the latter as nabob of Arcot. What the powers and privileges of each were in their several situations, was a point left wholly untouched, and to be determined by the laws and usages of the Mogul empire.—The character then in which I am willing to consider the nabob, is that of an independent prince under the protection of the British power, nor have I a wish to insist on any right, or to appeal to any law in favour of what has been done by our Indian government, which might not be equally appealed to, and insisted upon towards a prince who was exempted from all reliance on our friendship, either for his defence or security. All I ask, in return for this admission, is, that he may be considered in one only of these capacities, and that it may not be contended that he was at once entitled to the rights of a subject, and to the immunities of a sovereign.—It is superfluous to argue that the nabob Omdut ul Omrah was in conjunction with his father, a party to the treaty of 1792, not merely as his future successor, recognized in that treaty, but individually in his own name and person. He was, therefore, from the period of its conclusion, bound to the observance of all its stipulations, and had, in the same degree with his father, conveyed to us what is called a perfect right to the benefits they conferred. If, therefore, the obligation contracted was not fulfilled in both according to its tenor, we acquired with respect to both, I apprehend, the right of enforcing it, if it was desirable it should be enforced; of compelling reparation for the violation of it, if reparation was deemed beneficial, or of avoiding the treaty altogether, if that should be most consistent with our views of expediency.—I trust, sir, I cannot be so much misconceived as to be supposed to contend, that every little failure in fulfilling the strict letter of a treaty, is to be a ground for resorting to the exercise of these rights; far from it. In my conception the infringement must be not of the letter only, but of the spirit and intent of the engagement, that too in points not trivial, but essential and important. Such are the points that present themselves in the grant of assignments, confessedly made, although expressly prohibited, which involved both the violation of the treaty, and the destruction of the resources on which we depended: and also in carrying on political correspondence with a foreign power, even destitute of any special aggravations. From infractions of this kind there is no doubt we should have derived a clear right to demand present reparation, and future security, and from the refusal of these demands, an unquestionable right of war would have accrued. Were it requisite, it would not, perhaps, be a difficult task to prove that, under all the circumstances of the case, what we have actually obtained in the Carnatic, does not exceed the bounds of this necessary security; but this discussion would here be mere waste of time. I have adverted to it only to mark that even the accumulated injuries we suffered, have not carried us materially beyond what the infraction of the nabob's engagements, without the aggravation, might have well warranted.—If it is not such infractions alone, but if in addition to such infractions of the subsisting treaty, there be shewn an association with a prince, not simply unfriendly in his character, and opposite in his interests, but in the actual preparation of war; the object of which was our utter extirpation, if it be shewn that this association betrayed itself, not only while war was in contemplation, but continued and operated, during the whole course of the hostilities that ensued. No one, I apprehend, will contend, that from the instant such an association existed, the respective parties did not assume the position of enemies, and that all the rights which a state of war can convey, did not accrue to the injured power; rights coextensive with the demands of permanent and effectual security, and limited only by the great principles of humanity and justice.—The sudden irruption of the king of Prussia into Saxony, in the year 1756, in the midst of apparently profound peace, is a fact with which every one must be acquainted. What was his defence? he had reason to believe that Saxony participated with other powers in a confederacy for his destruction, and that this gave him the right of immediate war. On this right he acted, and though there were circumstances in the manner in which he conducted his measures that excited clamour against him at the time, there is no man at this day, I believe, who does not admit, that the act of carrying war into Saxony was fully justified. Such then is the right towards a power wholly independent. What is the difference in respect to a dependent and protected one? It is this; that in the case of an independent power, our rights can only be realised through the medium of successful war; in that of a protected one we are already in the situation in which successful war would place us; but it will not be, therefore, contended that our rights are less; it will not be contended that what, consistently with every law, may be justly pursued through all the hazards and calamities of war, we are forbid to attempt when those calamities are dissociated from the acquisition of it—that, the measures which it is our unquestionable right to take against a foreign foe, we may not, legitimately, resort to, against a traitor in our very bosom: the rights are the same, though the means of them are widely different.—If these principles are just, let them be applied to the case before us; and if gentlemen agree with me, in the conviction that the documents adduced, combined with subsequent circumstances, clearly prove a connection to have been established, on the part of the nabobs, with Tippoo Sultaun, at the very time he was meditating hostilities against us, and that in prosecution of the purposes of this connection, he was not only furnished with intelligence and advice, but during the contest, in which our very existence was involved, Omdut ul Omrah adhered to his cause, and aided him to the extent of his power, by treacherously obstructing our supplies, and embarrassing the progress of our arms. They must feel also with me, that every engagement between us and our ally was abrogated; and so abrogated as, at the same time, to constitute that case of injury, from which, according to the usages of nations, the rights of war legitimately result.—Had the detection of this correspondence occurred previous to the fall of Seringapatam; had we, during the actual existence of hostilities, discovered the course of infidelity by which the nabob was betraying our cause, and counteracting our measures; had we at once, in the moment of indignation, repaid his ingratitude and perfidy, by driving him from the throne, and assuming his country, where is the man that could have hesitated upon the justice of the act? But, sir, neither did the discovery take place under these circumstances, nor when it did take place, did the governor-general so act upon it; on the contrary, a period of time was suffered to elapse before he availed himself of any of the rights with which the disaffection of the nabobs had invested him. And this is supposed to create a new and different case. What real difference can be found in it is beyond my comprehension; but so it is contended; and being contended, I cannot pass it by without notice. The right of war is one thing, and the exercise of that right is another; the principle of the first is justice, of the latter expediency. Every one can figure to himself situations in which a nation may stand, where rights of war, the most clear and incontrovertible, cannot be acted upon without the greatest hazard; and where the sense of the deepest injuries must be, (as it often is) for the time, suppressed or dissembled; but are all the rights arising out of such injuries thus destroyed? or will it be asserted that, in the event of a country possessing rights, unquestionably just, it can be placed in this dilemma, that it must either consent to abandon them entirely, or immediately to act upon them, at the imminent risk of its own destruction. Is it possible this can be so? and if not, the exercise of the right of war necessarily resolves itself into a question of pure expediency, which the circumstances of each individual case must govern. At the same time I am far from saying, that these rights are such as may be laid aside, and stored up for ages, to be resumed at any period that ambition or interest may dictate; if acted upon, they must be acted upon within certain restrictions, and free from the intervention of any acts of confidence and friendship which imply the relinquishment of every hostile intention. Mere delay, within given limits, cannot, I apprehend, be assumed as a ground on which alone to presume such a relinquishment, and what besides took place that could rationally afford the nabob grounds for a presumption, that the guilt of which he was conscious, and which he had reason to believe detected, would not be acted upon, I do not know. If any acts from whence such an inference could be drawn did occur, I must confess my ignorance of them. The causes of the delay appear in the documents before you; they are to be found in the critical state of important negociations with other powers, the condition of the neighbouring provinces, in which rebellion was raging, and the desire the governor-general naturally felt to investigate fully the particulars of the case, and to receive an intimation at least, of the feelings of those to whom he was responsible, before he proceeded to take the measures which the situation of the country, and the permanent safety of the interests it was his duty to guard, obviously demanded. These, sir, were the considerations that, for a time, suspended the exercise of our rights,—considerations which must, to every unbiassed mind, (if the exercise be as I have stated it, a question of expediency) satisfactorily warrant the delay, without at all invalidating the right; and justify, the final orders when given, to demand from Omdut ul Omrah the security we ultimately obtained.—That security, it is said however, was not, in point of fact, demanded from Omdut ul Omrah, but from his unoffending successor. Why was it not? At the moment when the order arrived, the nabob, who had been long in a state of declining health, appeared to be fast approaching to his final dissolution. Insensible and obdurate indeed must be the heart that cannot sympathise in the last hours of human existence. Not such a one was that of lord Clive. He did feel all the compassion the situation of the nabob was calculated to inspire. He respected the inviolable privileges of a death bed, and Omdut ul Omrah was permitted to close his eyes in peace, neither molested by accusation, or disquieted by the consequences of his perfidy and ingratitude. Can it be argued that rights so suspended were thereby extinguished? Was the conduct of a prince merely personal, this might be true; and on this ground, I presume, it is stated, and most unjustly stated, that the British government punished the innocent for the guilty. I deny the charge. I deny that punishment in any respect, however flagrantly provoked, was the object of the British government: its object, its sole object was security for its own legitimate rights—security which the violation of those rights, and the perfidious and hostile conduct of the nabobs had imposed on us the duty of enforcing, and the claim to which, according to the best principles of public law, applied as strongly to him who inherited, as to his guilty and faithless predecessor. 'It is one of the first principles,' says a distinguished authority on these subjects, 'of general equity laid down by the writers on that law, that, an heir or successor, from the very circumstance of his possessing the inheritance, is not only bound for the engagements of the person whom he succeeds, but cannot be discharged from the obligation to repair the damage which the deceased may have occasioned by his crimes or offences; neither under the pretext that he derives no benefit from these crimes or offences, nor because there may have been no accusation or condemnation against the deceased.' * It is a doctrine, as new, as contrary to reason, that the conduct of princes by whom states and nations are represented, should be considered as the acts of individuals, and perishing with them. As well might it be contended that the enmity and aggressions of Tippoo Sultaun were obliterated when he fell upon the walls of Seringapatam, and all our claims to reparation buried in his tomb; that nothing remained for us to doubt to place his innocent son upon the vacant throne, with the undiminished power and dominion of his father. If the principle applies to one case, it applies to the other. Our rights were the same in both; in the one indeed we were obliged to establish them by successful war, in the other we had happily the power of securing them without a similar struggle.—The proposition offered to Ally Hussein has been adduced in confutation of this principle, and as an acknowledgment, on our part, of the right that devolved to him. A right to what? I do not enter into the question of his legitimacy, I am ready to allow him to be the legal heir of the late nabob Omdut ul Omrah. And what then? he could possess no further right by inheritance than that of assuming the situation his deceased farther possessed, rendered subject, by the conduct of that father, to the claim of whatever might be necessary to the effectual security of the British interests. The very proposition made to him expressly included the condition of his accession to this claim—the place in which he naturally stood—the wish on the part of the governor-general to accomplish this object by the forms of treaty, rather than by an immediate and painful exercise of our just rights, designated him as the person to whom, if any proposition whatever was thought expedient, it should be made in the first instance. But that proposition, dictated as it was by a generous impulse of humanity alone, when refused and rejected, could not have the effect of limiting those rights which, if they exist at all, are as extensive as the interests they are intended to protect. In fact, sir, if the conduct of the nabobs was such as to place them in the situation of public enemies; if the rights of war, as it has been contended, justly attached upon them, every hereditary claim was extinguished, and the whole state was submitted to whatever disposition the security of our interests, and the prosperity of the country, might prescribe.—The principle of humanity, and consideration for the family of Arcot, which dictated the offer to Ally Hussein, presided also over the disposition that was finally made, and limited it to the necessary objects that were to be attained and secured. What but this, and the recollection of our alliance with the nabobs of the Carnatic, subsisting almost from the first dawn of our political power in the peninsula? What but the reluctance to expose to disgrace and humiliation those whom we had adopted as the partners of our fortune, and raised to sovereign dominion? What but the generosity characteristic of the British nation, could have led us to forget that from the nabobs we had experienced little but faithlessness and ingratitude, and the people committed to their rule, nothing but misery and oppression? What but these sentiments could have stifled our just resentments, under the accumulated injuries we had sustained, and produced the efforts that were made by our government, to obtain by friendly negociation, what as a right it might have at once confidently assumed? What but these, to continue to their families as we have done, the enjoyment of all the affluence, dignity, and splendour, which belonged to their station, and to which they had ever been accustomed?—On the next point, relating to the manner in which our rights were exercised, and the duty of exercising

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* Domat's Compendium of Civil and Public Law.

them to the extent we did. I am happy to think that little doubt can be entertained; indeed, I shall be surprised if, in any part of this discussion, it should be contended, or at least contended by one acquainted with the state of the Carnatic, that any thing short of the transfer of the whole civil and military administration of the country to the British government, was capable of providing effectually for the rights we were bound to maintain, and for the prosperity of the long oppressed inhabitants of a country which it now became equally our duty to watch over and protect. Though I do not admit the state of the Carnatic, deplorable as it might be, could form any ground on which to found a right to adopt the measure that has been resorted to, yet it can scarcely be denied, that when the circumstances of hostility and perfidy before stated, did place the whole country at our disposal, we became responsible for the effects of whatever dispositions we should make, and for the happiness of the people, no less than for our own security: from that moment on our heads must naturally rest the odium of every abuse, injustice, and oppression that was suffered to prevail, and it was in our power to avert. And was there even a possibility of averting them otherwise than by the complete transfer of the administration? Did not the state of things, and long experience alike demonstrate that every hope of obviating the recurrence of the numberless evils with which the Carnatic was afflicted, founded on any other basis, was but visionary and delusive.—There are many gentlemen in the house who from local knowledge and personal observation, are much better able to detail to you, than I can be, the state and condition of that unhappy country. The documents themselves contain abundant and melancholy proofs of the sufferings of its inhabitants, under the operation of assignments made to those who, having no interest or object, but to repay to themselves with usury the money they had advanced, let loose every species of cruelty and extortion in accomplishing it. Nor less under the immediate managers appointed by the nabob, who seem to have been commissioned only to exhaust and ruin the provinces committed to their charge, and to whose uncontrolled rapacity, the insatiable wants of the circar, delivered over, without remorse, an unprotected and unresisting people. For the first I beg leave to refer to the sickening detail given by lord Hobart, in one of the papers on your table (it is too long to read, and it is scarcely possible to make selections) in which, after describing the progress of these transactions, through all their circumstances, and tracing a truly afflicting picture of the iniquity and barbarity that accompanied them, he concludes a part of his statement by observing: 'After this exposition, no comment 'can be required to shew that this species 'of government, if it deserves the name 'of government, contains the most grievous oppression of the people, the certain 'impoverishment of the country; and 'consequently the inevitable decay of the 'revenue.' In another passage, speaking of the effect of the system pursued, upon the resources as connected with the state of the country, he says, 'whatever diminution (and it is considerable) in value, 'the security is gradually though rapidly 'sustaining, carries along with it the destruction of the human race, and the desolation of the country.'—With respect to the latter, I shall only beg leave to read the account of the collector of Trichinopoly; alluding to the management previous to the transfer of the administration, he writes; 'The late management, 'whether considered in a speculative or 'practical point of view, presents, generally speaking, as its distinguishing features, 'a total want of system, where system 'would have been beneficial, a most baneful spirit of extortion and oppression, 'and an indifference to the happiness and 'welfare of the people, as senseless as inhuman. The people never knew when 'the demands on them were to cease, nor 'do the managers seem to have known 'when their extortions were to stop. The 'assessments called fixed, seem only to 'have been calculated to point out where 'extortion might be levied and increased, 'and to induce the inhabitants to cultivate, in the vain hope that no more than 'the fixed assessment, whether in grain or 'money, would be taken from them; a 'hope which returned with every season, 'but which returned only to blast the 'prospects of those who too credulously 'indulged it. I will venture to assert, 'that if the revenues were in any one 'year collected according to the established rates of assessment, it was only to induce the inhabitants, by this apparent 'moderation, to increase the cultivation 'of the succeeding year, and thus afford 'the managers or renters an opportunity 'of doubling their plunder.'—The conviction of the house must anticipate any observations of mine on the effects of such a system, under which no country, however otherwise blessed by the bounty of Providence, could flourish; rapid decay must have reduced, and speedy extinction impended over the resources on which our dependence rested,—To arrest the progress of this evil would have been in itself a sufficient motive, were we even incapable of feeling the more noble one of rescuing a suffering people from such calamity. That the transfer of the administration, and that alone, could accomplish these objects, I will not endeavour to make out in argument. By relying for the proof of its necessity on the highest authorities to which, on Indian subjects, we are accustomed to refer, I am sure I shall serve my cause more effectually, more completely, and satisfy the minds of all who hear me. Nor does it rest alone on the authority of every governor who has presided there, but of every individual whose judgment has been of real value, who felt or understood either the British interests, or the interests of the country itself; and who has been free from the participation and taint of the abuses and corruptions known to exist; abuses, which had long and successfully combated every measure, and baffled every attempt to restrain or correct them. I will select only the testimonies of sir Eyre Coote, of lord Macartney, and principally of lord Cornwallis, as stated in the papers on the table. Sir Eyre Coote's marks in the strongest terms the effects of the nabob's government on our affairs. The whole of the argument of lord Macartney on the subject of surrendering the assignment, proceeds upon the necessity of our possessing the whole administration of the country, if we would have any chance of security for our interests on the coast. The opinion of lord Cornwallis I shall read at length, as I am aware it is one of deserved weight in this house, and wherever the name and character of that great and excellent man is known. 'I have long seen,' says his lordship, 'with very great concern, the various defects of the system of 'the government of the Carnatic; and 'being extremely anxious that some plan 'should be introduced and established there 'that should be better adapted than any 'that has yet been tried, for securing the 'country against external enemies, and 'for promoting its general prosperity, 'I have been hitherto prevented from 'making propositions to the nabob to that 'effect, more by my distance from the 'scene, or my other occupations, than by 'the consideration of the obstacles that 'might occur in the negociation with his 'highness, or of the disapprobation that 'interested and disappointed men might 'afterwards express of my conduct. 2. 'The disadvantage and danger arising 'from the separation of the internal government, and management of the revenue of the country, from the responsibility for its defence, is so obvious, that if 'there had appeared to be the least chance 'of obtaining the nabob's voluntary acquiescence, I should, without hesitation, 'have been ready to propose to him, as 'the plan best calculated for promoting 'his own interest and comfort, and the 'happiness of the inhabitants of the Carnatic, that he should entrust the company 'with the entire management of the 'country, in addition to the responsibility 'for its defence, under an engagement on 'their part, after allotting certain sums for 'public purposes, and for the gradual liquidation of his private debts, to pay 'him, regularly, a liberal portion of its 'revenues, for the maintenance of his family, and the support of his dignity.'—On another occasion his lordship expresses himself as follows:—'I must freely own 'that I could not venture to propose any 'plan, on the success of which I could 'have any firm reliance, unless the nabob 'could be induced, by a large annual revenue, regularly paid, and properly secured to him, to surrender the management of his country, for a long term of 'years to the Company.—The nabob's 'age, his long connection with us, his 'rights to the possession of the country, 'which, however, without our assistance, 'would have been of little value to him, 'and exaggerated accounts of his former 'services may furnish topics for popular 'declamation, and may possibly engage 'the nation, upon mistaken ideas of humanity, to support a system of cruelty and 'oppression. But, whilst I feel conscious 'that I am endeavouring to promote the 'happiness of mankind, and the good of 'my country, I shall give very little 'weight to such considerations, and should 'conceive that I had not performed the 'duty of the high and responsible office 'in which you did me the honour to place 'me, if I did not declare, that the present 'mixed government cannot prosper, even 'in the best hands in which your part of 'it can be placed, and that, unless some 'such plan as that which I have proposed, 'should be adopted, the inhabitants of the 'Carnatic must continue to be wretched, 'the nabob must remain an indigent bankrupt, and the country an useless and expensive burthen to the company and the 'nation.'—The state of the country was, indeed, deplorable, and it is with grief and shame I add, that our fellow subjects appear to have had but too great a share in contributing to produce that state of things, and not less in rendering abortive every attempt to improve or correct it. With reference to this point, and also with a view to the condition of the country, the necessity, (if not of the precise change that took place) of a modification of our relations with the nabob, and a new and more effectual arrangement, in order to realize the objects of our connection with him, I adduce, as my last authority, one which will be certainly deemed disinterested, and to which I am persuaded some gentlemen will pay a degree of respect, they may be disposed to refuse to any other testimony that can be offered, I mean that of Omdut ul Omrah himself, the purport of whose conversation with lord Hobart, is given in his lordship's minute of the 24th of Nov. 1795, on the subject of the modification of the treaty of 1792, then proposed to him, of which I will take the liberty of reading the following extract:—'It has been with 'the deepest regret that I have found the 'nabob unmoved by my entreaties and re'monstrances upon this subject; not that 'he has been insensible to the justice and 'expediency of what I have proposed; but, 'as he has candidly confessed at several 'interviews with me, that he has not the 'resolution to comply; informing me that 'his native ministers, and European ad'visers, so perplexed, plagued, and intimi'dated him, that he could not venture 'upon the measure, notwithstanding his 'conviction that he ought to do so.'—Long experience, not less than the preceding authorities I have quoted, sufficiently pointed out the only change that could, in the nature of things, prove successful. If it was our duty, then, to regard the preservation of our rights, and to fix the happiness of a people whose fate was placed in our hands, could it be otherwise than our duty to enforce the transfer of the civil and military administration as the only security for those rights, and the only remedy for the evils endured by the country.—The value and the benefits of a measure of this nature, had been long and universally felt, both at home and in India. That they were so felt is not to be denied, nor do I desire to deny it. The feeling breathes through every part of the documents on the table. I am aware it may be argued (as, indeed, it has been argued) that this feeling alone dictated the measure we are discussing. But, sir, there are happily facts to be referred to, that amply refute such an accusation. Had the sense of advantage, independant of the principles of right and justice, been the governing spring of our conduct, why the long-permitted continuance of the miseries of the Carnatic under our eyes? Why did the various attempts made by us to correct the inadequacy of our relations with the nabob, as successfully as they were perseveringly resisted, prove uniformly abortive? Why the restoration of the country to that iron rule, which had so abused and oppressed it, in the several instances when under lord Macartney and lord Cornwallis, it came into our possession, and when policy spoke at least as decisively in favour of retaining it, as it could ever do afterwards for its acquisition. These are proofs that it was not to the suggestions of interest alone to which we listened. It was not, till an occasion actually arrived, in which justice warranted the measure which policy recommended, that we availed ourselves, as I contend we were bound to do, of the means our power afforded, to effectuate an object too long unaccomplished.—I demand then, sir, of the house; I demand even of those who are most vehement in their condemnation of the transaction before us, whether they would have found reason to applaud a governor-general, to whom the care of our interests was delegated, who had not availed himself of the contingency that arose; who, when the disposal of the country was submitted to his discretion, had relinquished our rights, had again put to hazard our resources, had deliberately revived the already experienced calamities of fluctuating and conflicting authorities, had restored that blasting and inhuman tyranny, which before subsisted, and again delivered over the inhabitants of the Carnatic to that system of slavery, extortion, barbarity, and oppression, which, to use the emphatic words of lord Hobart, in diminishing our resources, carried with it the destruction of the human race, and the desolation of the country.—It is urged, however, that measures which, even in point of policy, might be necessary towards a prince, whose misconduct we had experienced, were not equally so towards an innocent, unoffending, untried, young man: in a matter of personal consideration merely, the justice of this observation could not be disputed. But in determining our judgment of the propriety of the conduct pursued, we must look not to the personal qualities of Ally Hussein, but to his political situation, and to the circumstances in which he would have been left, had a different line been adopted by the British government. If the calamities of the Carnatic had their source in a divided and fluctuating authority, that divided and fluctuating authority would have remained; for I do not think any man is romantic enough to entertain the idea of our abandoning the country entirely to the nabob, or indeed that it was safely practicable. From the influence of that confederacy of European and native harpies that beset the Durbar, and combined to obstruct every effort towards correction or reform, what probability was there that he, young and inexperienced as he was, would have been able to break the shackles which his father had confessed himself unable to struggle with, and was forced to submit to? With respect to his councils, his parent had not indeed made it a testamentary obligation upon him to pray for the enemies of Great Britain, but he had done more; he had committed him to the care and guidance of those with whose assistance all the oppressions of the Carnatic had been exercised; who having been in his own confidence, and that of his predecessor, must have contributed to, and partaken in, all the projects of faithlessness and disaffection of which they were guilty. Where then was the ground of a rational hope, that any one evil would have been corrected? any one danger averted? any attachment found that would have warranted the relinquishment of the smallest part of that security which alone could be effectual and permanent?—But it may be asked, even allowing this, why degrade the unhappy prince? why not accept the submission that was at last offered, and conclude with Ally Hussein the engagement you ultimately concluded with Azim ul Doulah? I say, sir, we did not degrade him; his disherison (as it is called in the resolutions) was his own deliberate act; it was the consequence of his refusal to admit the incontestable rights we were called upon to realize—those rights were again and again explained to him; the consequence of his resistance was again and again announced; he again and again rejected the condition offered to him, and trusted to his fate. Enough was given to humanity; enough to our own character and his inexperience, and the treaty was closed. It was not then to us, but to his voluntary adherence to the fallacious hopes and delusive confidence with which he had been insidiously inspired—to the pernicious impulse of that cabal which had betrayed his progenitors, and been the bane of his house, that he owed the change in his fortunes, and the disappointment of all his natural prospects. Under this fatal influence, he firmly pronounced his own sentence, and drove us reluctantly to the decisive measure of raising another prince to the musnud. It was possible, undoubtedly, that notwithstanding these circumstances, we might have still given to him possession of the throne: but would it have been wise, would it have been consistent with our tranquillity or safety? He had refused our offers, rejected our favour, impeached our justice, and his whole efforts and resources would have been employed to subvert the order of things we had established. His means, perhaps, to affect us were not extensive or powerful, but his object and mind would have been certainly hostile, and we should have created, in the very heart of our empire, a counteracting influence—a centre of disaffection, around which all the dissatisfaction, intrigue, discontent, and turbulence of the country might gather and accumulate—where every hostile movement would find a promoter; every enemy, foreign or domestic, Indian or European, a friend, an ally, and an instrument. This surely was sufficient to have dictated to us the prudence of consigning the sceptre, nominal and barren as it appeared, to safer and less doubtful hands.—It is with sincere regret I venture to recal to the recollection of the house an event so afflicting as the late mutiny at Vellore; but, sir, nothing can more forcibly illustrate my argument. If a son of Tippoo Sultaun, a prisoner in that fortress, without power, without wealth, without means of seduction, could be supposed to produce such effects as by many are attributed to his intrigues and exertions, what might not have been those produced by the prince of the country with similar dispositions, and means infinitely more extended. I will only add, though they would not, perhaps, have shaken the foundation of our empire, they might yet have given birth to such scenes of convulsion, horror, and bloodshed, as would have been long to be remembered and deplored.—It now remains for me to say a very few words (very few, I assure the house, they shall be,) on what I own is, in my estimation, a comparatively subordinate part of our consideration, I mean the circumstances that attended the execution of the measures in question. Indeed, sir, for the detail of them I am inclined to rest simply on the contents of the documents on the table; and I do so with the more readiness, because I feel I have already trespassed much too long on the patience of the house, and am certain whatever I shall omit, will be amply and more ably supplied by others, who are likely to take a share in this discussion.—The circumstances are stated in the report of the commissioners, and very differently in a letter, professing to be written by Ally Hussein, and addressed to his agents in England. On that letter, some reliance may probably be placed, by those who shall follow the honourable baronet in the debate; upon that letter, therefore, I wish to make a single observation, without entering into any particular refutation of the statement it contains.—It was originally produced by a motion of my own. Having heard that parts of it had appeared in the newspapers, and that it might be produced entire if moved for, I was desirous of having it before the house, as well as every other document that could be supposed to bear upon, or elucidate the measure under our consideration. In moving for its production, however, I certainly did not intend to convey any opinion of its authenticity—of that I know nothing. The style and sentiments of the letter, certainly betray the character rather of European than of Indian origin, and do not at all wear the semblance of the unassisted performance of a person of the age of Ally Hussein. There is that contained in it besides, which is so averse from all the principles of Eastern governments, that the idea of it could scarcely have entered into the imagination of an Asiatic prince: what I allude to is the recommendation of an appeal to the British people. Yet, sir, it may nevertheless be authentic, and, if it is, I only entreat the house to allow it the weight it deserves, and no more. Even if authentic, it is but the statement of an individual in his own case, suggesting to his friends applications in his behalf, to every quarter where application might be supposed advantageous—supplying them with grounds of appeal to every feeling, every sentiment, every interest, which could be conceived capable of creating dispositions favourable to his cause; they are directed to address themselves to the king, to the prince of Wales, to the board of controul, to the court of directors, to the house of commons, and, lastly, to the creditors of his predecessors, the nabobs of Arcot, on whom he appears justly and confidently to have relied, as his best allies in overturning the present arrangement in the Carnatic, and effecting his full restoration to the musnud.—That in such a representation facts should be disfigured, and every topic should be insisted upon that could move compassion for unmerited suffering, excite indignation against injustice and cruelty, or fix upon the measures of the British government the odious imputations of oppression and tyranny, is not to be wondered at; but, it does not follow that because such statements are affecting, they are, therefore, entitled to our implicit confidence; it must be remembered, that severe truth is not the distinguishing characteristic of Indian representations, and for the veracity of any one word contained in this letter, no responsibility whatever exists. On the contrary, the report of the commissioners which is opposed to it, appears as an official document, authenticated by men of the highest estimation for truth, humanity, and integrity, deputed by the British government, acting under the eye of the British government, and responsible to it for the correctness of every circumstance and fact related in it. Although there are several points of difference on which I should be glad to remark, I shall leave that task to others, and content myself with dismissing these discordant accounts, with the single observation I have made, in the full conviction, that where contradictions appear (which cannot escape any one in the comparison of the statements,) the house will feel on which side the truth is likely to rest, and to which its confidence ought to incline.—It is scarce within possibility, that to a transaction of this nature, circumstances of apparent hardship should not be incident; circumstances to touch our best feelings, to call forth our compassion and sympathy, and to afford the materials for much eloquent and impressive declamation. But before gentlemen abandon themselves to emotions of this nature, I implore them to weigh well and impartially all the considerations connected with the case before them. In doing so, I am persuaded they will be satisfied that no degree of attention that humanity could dictate, has been wanting, that every hardship that could be avoided was prevented, and those which were inevitable alleviated, as far as was compatible with the secure accomplishment of the measure to be effected. Whatever, as a matter of unavoidable hardship, fell upon Ally Hussein, I unaffectedly regret; his early death I regret also; but in the compassion I may feel for his fate, I cannot forget justice, or consent to admit that his death has any direct connection with the measures that were adopted. Examine every circumstance of it, and no unprejudiced mind will discover even a colourable ground for suspicion. If even his situation preyed upon his mind and affected his health, (of which, however, there is no proof,) it may be a matter of concern, but can be none of criminal accusation against the British government. The rigorous severity of restraint and confinement, so loudly complained of, appears never, in fact, to have existed, either with respect to Ally Hussein, or to the princes of the family generally; on the contrary, it is proved incontestibly by the papers, that full liberty was afforded them of quitting the precincts of the palace, if they preferred it to yielding the usual obedience to their constituted head. That they were under the authority of the nabob is true; but, such were the precautions taken by lord Clive, such his constant communication with the palace, that no abuse of that authority, no outrage or violence could take place without his knowledge, and in speaking of various representations from several discontented members of the family, he distinctly declares himself enabled to state, 'that the facts described in them, are, in 'some respects, exaggerations of trivial 'circumstances, in others, absolutely without foundation.'—The illness of Ally Hussein commenced, as it appears, in the apartments of his aunt, the Sultan ul Nissa, one of the most active and avowed enemies of the new arrangements, with whom he had resided for some time, and who would naturally watch over his safety with more than common anxiety and vigilance. There he remained, till removed to the house of his mother, a few days preceding his dissolution, in a state of hopeless insensibility. The first intelligence of his illness was communicated by the nabob Azim ul Doulah. Every medical assistance was immediately offered that it was in the power of the governor to furnish, it was at first resisted by the prince's attendants, and when with difficulty admitted, proved too late to be availing. Not an idea seems to have been entertained at the time, that the cause of his death was otherwise than natural; there is no suspicion thrown out, and even the letter, professed to be sent but could not be sent, by Ally Hussein to lord Clive, the day before his decease, confirms the innocence of the nabob. The mention of spells and incantations, if they prove nothing on one side, prove much on the other; they indicate the spirit in which the letter, from whatever quarter it came, was composed; and, by a reference to such grounds of accusation, prove the total want of all that was more substantial and credible. What benefit, in truth, could be derived from such an act, compared with the risk attending it? The establishment of the new order of things was complete; all rivalry was at an end; the determination of the British power was manifested, and its support irrevocably pledged to Azim ul Doulah; had he then felt the idle desire to make assurance double sure, by a crime so atrocious, could he have promised himself any advantage to balance the consequences of almost inevitable detection, which must have raised against him the horror and detestation of all mankind, and most of all, I trust, of those by whose favour he had been elevated, and whose indignation could in a moment have dismissed him from the throne, of which he was unworthy, to the obscurity from whence he was taken?—I have now, sir, traced, (I am conscious how imperfectly,) the circle I proposed in my outset. If I have had the good fortune to be at all successful in conveying to the house the impressions of my own mind, I can entertain little doubt of the result of this discussion. If I have failed in so doing, convinced as I am of the truth of those impressions, I have the consolation of knowing there are many present who equally feel, and by their superior authority and eloquence, are infinitely more capable of giving them weight than I can pretend to be, and who will do justice to a cause to which my powers are, I am sensible, little equal.—With the views I entertain of the transaction before us, it will not be wondered at that I should not have thought it necessary to inquire particularly whence it originated, whether in the orders transmitted from home, or in the unaided and spontaneous zeal of the government in India? Approved and sanctioned as it has been by the authorities constituted to superintend the administration of our Indian affairs, I consider the measure as an act of the British government; what may be the sentiments of the court of directors, I do not pretend to know, but I must remark, that though on many other points lord Wellesley has incurred their censure, into the catalogue of his faults or errors this has not been introduced. I am, therefore, willing to infer, that in acting with zealous solicitude for their interests, he may have been felt to have deserved, though he has not received, the expression of their approbation. In that sentiment of approbation, whether participated in by them or no, I cordially concur. In my official capacity I have cheerfully declared it, and here, as a member of parliament, with equal satisfaction and sincerity in the presence of my country I repeat it, and rejoice in the opportunity once more afforded me, of bearing a public though feeble testimony, to the transcendant merits of the late governor-general. Under his auspices this great and desirable measure was accomplished. Under the same auspices the British power in India has attained a height that will be the admiration of future times, when the transient feelings of this day are past and forgotten. I rather wish, for the honour of my country, to dwell on the services he has rendered, than that return of obloquy and persecution with which they have been rewarded. It is true, sir, in assuming the government of India he found a great and powerful empire, but he found it encompassed with perils, exposed to the rivalry, and threatened by the designs of surrounding powers. Tippoo Sultaun cherishing implacable hatred against us, was maturing his projects of vengeance, and preparing as he thought our destruction. The extensive resources of the Maratta confederacy, influenced by councils hostile to our empire and interests; were formidable and unbroken. The Nizam subjugated by a numerous force, under the command of French officers, was a slave in his very capital. A more considerable, and almost independent French power, fixed in Doab, and in possession of the person of the mogul, menaced our most vulnerable frontier on the side of Oude, allied with France, and prepared to cooperate with her or any other invader of the British dominions. Mark the change. The sultaun overthrown; his hatred, his name, his kingdom extinguished for ever. The Nizam emancipated from French influence, amongst our closest and most attached allies. The Maratta confederacy, broken, disjointed, and humbled by our arms, is no longer an object of anxiety or alarm. The French force in every part of India dissolved and dispersed, and scarce an individual of the nation remaining on that vast portion of the earth, but by our sufferance and permission. The unquestioned predominance of Britain established, without a rival throughout the Indian world, and the blessings of British justice and government extended to millions of thankful and protected subjects.—In the course of these events much has been added to the British dominions, much to the glory and splendour of the British name, to which no one has more contributed than my right hon. friend near me. (Sir A. Wellesley.) But, sir, the wisdom which guided, and the genius which inspired all the measures from which those effects have flowed, have not so much added to the extent of our possessions and the glory of our name, as to the permanent strength, solidity, and security, of our empire. Contemplating our situation as the late governor-general found it on his arrival, and comparing it with what he left it at his departure, we may well say, *lateritiam invenit marmoream reliquit.*—I shall trouble you no further, than merely to acknowledge with gratitude, the indulgence I have received, and entreat the house to believe if I appear to have abused it, that I have been induced so long to trespass on its patience, in obedience only to the strongest sense of public duty, and a conscientious conviction, that in vindicating the acts of lord Wellesley's administration, I am defending the most important and valuable interests of my country.

Lord *Archibald Hamilton* contended, that the nabob's father and grand-father had lived and died in amity with the British government, and that by the treaty of 1792, the nabob was not precluded from any but a political association, or correspondence with the native powers. No one act of hostility had been committed by the nabob, nor had he been proved in any instance to have violated his engagements with the company. He could not agree in the view of this subject taken by the right hon. gent. who had just sat down, because it appeared by the Papers, that the general government in India had the intention to annex the nabob's territories to those of the East India company, long before any charge of perfidy was imputed to him. What must have been the fidelity of the nabob, if the governor general could not from the year 1798 to 1801, find any pretext for the usurpation of his territories, for an usurpation he considered it? After the clear and able statements of the hon. baronet, it was unnecessary for him to say any thing more on the subject. He was aware how little the house was inclined to entertain a question of this kind. If any thing was calculated to rouse the spirit of that house, the statements lately made in it, relative to the nabob of Oude, must have done so. At that time the house must have seen the honour and interests of the country sacrificed; and after the same had been passed over without the slightest notice by the house, it was impossible for the people to look up to its justice with the respect and reverence it had been accustomed to do. He thought nothing but the most cogent and satisfactory reasons could justify the proceedings towards the nabob; and that, as yet, nothing but reasons the most frivolous and inconclusive had been produced. He should certainly support the Resolutions.

Colonel *Allan* felt that, having on a former night ventured to state his opinion upon a question of a nature similar to that which was now brought before the house, (the Oude Charge,) he should not discharge his duty with satisfaction to his own mind, were he to be silent upon a motion that related to transactions, which took place in the Carnatic, where he resided for an uninterrupted period of 20 years; having, in the course of that time, also, held a confidential situation under his noble friend lord Buckinghamshire, during the whole of his administration in India, he had opportunities of knowing many of the facts, which were stated in the papers before the house. As the nabob of Arcot had never wanted advocates (as they had witnessed even that night,) to assert that he was an independent sovereign, and as many hon. members might not have had leisure or inclination to peruse the papers laid before parliament upon this subject, he wished shortly to draw the attention of the house to the origin of our connection with Mahomed Ally, and to the foundation of his pretensions as nabob of Arcot, in order that a correct idea might be formed of the title and privileges which he actually possessed.—He thought he could shew, that it was during the contest between the English and the French, who had gained great influence in the Decan, and aimed at the exclusive possession of the Carnatic, that Mahomed Ally first introduced himself to our notice, not as the acknowledged nabob of Arcot, but as the competitor of Chunda Saib, whose pretensions were supported by the French.—He thought he could shew, that in that war, which terminated in leaving the English masters of the Carnatic, so little did Mahomed Ally or we think of conquering merely for him, that the British colours were regularly hoisted on the forts which surrendered to our arms: that we obtained from the mogul the sanction of his authority, under a commission to Mahomed Ally, as nabob of Arcot: that that office was one of deputation and dependence of a military nature, and quite distinct from the administration of the revenues, which belonged to the office of Dewan; and that, through British influence, those two offices were united in his person, under the express condition, that the management of the revenues should revert to the Company, in the event of his being guilty of any secret practices, or of any failure in his pecuniary engagements.—But he thought he should best consult the wishes of the house, and certainly his own inclinations, by abstaining from these details; he should therefore content himself by observing, that the nature of our connection with the nabob of Arcot would be found accurately described by lord Macartney, in a letter from the government of Madras to that of Bengal; in which letter, speaking of this independent sovereign, his lordship observed, 'that he was no more reckoned than the nabob of Oude, among the native powers of Hindostan; that they were both Europeans, in connection and dependence."—He was aware that it was irregular to repeat the words made use of by any hon. member in a former debate, but he hoped he should not be considered out of order by slightly alluding to them. An hon. member, who took a different view of the Oude question from that which he did, having adverted to the situations of the vizier of Oude, and the nabob of Arcot, brought the latter below the level upon which lord Macartney had placed them; observing, that the vizier was more of an independent sovereign than the nabob of Arcot. He certainly was so; he resided in his own capital, at a great distance from the seat of the British government; he had numerous armies, and his forts were garrisoned by his own troops; but he wished to state to the house, and to bring to the recollection of some hon. members of it, the opinion of that great man, Mr. Burke, regarding the independency even of the vizier. In the 4th Article of charge against Mr. Hastings, presented by Mr. Burke to this house, in April 1786, he says, 'that the reigning 'nabob of Oude, by taking into and con'tinuing in his pay certain bodies of regu'lar British troops, and by having after'wards admitted the British resident at his 'court, into the management of all his 'affairs, foreign and domestic, and parti'cularly into the administration of his 'finances, did gradually become, in sub'stance and effect, as well as in general 'repute and estimation, a dependent on, 'or a vassal of, the East India Company." And he would beg to refer hon. gentlemen to Mr. Burke's speech on the nabob of Arcot's debts, for his opinion regarding the independent sovereignty of Mahomed Ally. "The nabob of Arcot," says Mr. Burke, "has, in truth and substance, no "more than a merely civil authority, held "in the most entire dependence on the "Company.—The nabob, without mili"tary, without federal capacity, is ex"tinguished as a potentate." On this topic, he could also quote the sentiments of a person whose testimony would always be entitled to consideration. He meant lord Macartney, who, in a letter to the secret committee, July 1785, observes, that 'to conciliate the nabob's mind to his 'real situation, which he seemed willing 'to forget, to revive in his memory, with'out wounding his delicacy or his pride, 'the steps by which he had risen to eleva'tion, to lead him to feel his obligations 'to the Company, that whatever rank or 'territory he had ever possessed, either by 'his paper titles, or by actual occupancy, 'he derived from their arms, their influ'ence, their generosity, and that his in'terests and security were so involved in 'theirs, that to pretend to a distinct, sepa'rate, independent, sovereignty, as he 'talked of, or to imagine that he could 'exist without the Company; or to ex'pect that the Company would go on de'fending the country at their own ex'pence, without an adequate share of the 'revenues of it, were absurdities that, 'though in some measure warranted by 'former friendship or connivance, he ought 'no longer to indulge in, as they would 'prove a fatal deceit upon himself, and 'must soon end in his total destruction, 'and in that of his best friends on the 'coast.—To engage the nabob's mind to 'a calm consideration of these points was 'not an easy task, but it was a necessary 'one, and was performed with success; 'the result was his assignment of the re'venues.'—The view taken by the government at home of the relative situation of the nabob and the East India Company, corresponded with that taken by lord Macartney; they say, in the month of June 1785, 'We are ready to admit that 'Mahomed Ally is the lawful nabob of 'the Carnatic; at the same time we must 'observe, that he acquired that title by 'our means, and is now supported in it by 'our authority, nor have we the smallest 'intention of withdrawing that support; 'but it must be remembered that the 'sword, that most prominent and essential 'mark of sovereignty, is exclusively in the 'hands of the Company; the nabob can 'form no alliance, either offensive or de'fensive, with foreign powers.—Even in 'the last treaty with Tippoo Sultaun, who 'had invaded the Carnatic, he is merely 'recognized as the friend and ally of the 'Company, and under their protection.'—The hon. member contended, therefore, that, after what he had taken the liberty of stating to the house, he thought it could not be asserted, that the nabob of Arcot was an independent sovereign; in fact, he was in a complete state of subordination, and totally dependent on the British power.—Under the view of this relation to the Company, the hon. member said he would examine what had been the nature of the conduct of the nabobs of Arcot, in fulfilling the obligations of their alliance with the British power. Mahomed Ally having failed in his first engagements, by which he was bound to liquidate the debt incurred by the war, which had established him as nabob of Arcot, he was called upon, in 1763, to assign to the Company certain districts contiguous to Madrass, (now called the Jaghire); at first he refused, and wished to annex some conditions on the part of the Company; but lord Pigot, then governor, informed him, that 'it did not become a man, who owed 'to the Company the situation he enjoyed, 'to make any conditions under such cir-

'cumstances; that they did not take any 'thing from him, for that they, in fact, 'were the givers and he the receiver.'—After this transaction no material change appears to have taken place, until lord Macartney's administration, which commenced in 1781. That noble lord found our affairs in the peninsula of India in the most critical situation. Hyder Ally had invaded the Carnatic the preceding year, and it required the exertion of the greatest talents to extricate us from our difficulties.—Lord Macartney soon discovered, that the sole cause of all our embarrassments proceeded from our having most unwisely committed to the nabob the uncontrouled management of the revenues.—In a letter to the secret committee, dated in Jan. 1784, to which the hon. member was anxious to draw the attention of the house; his lordship observed, that 'the 'first thing that struck him, as defective 'in your system, was the nature of the 'Company's connection with the nabob, 'by which the resources of a province, 'garrisoned and defended by your forces 'in peace and war, was altogether in the 'controul of his highness, under a simple 'and insecure engagement of reimbursing, 'by instalments, the current charges of a 'certain proportion of those forces. This 'stipulation, even in peace, was, from the 'constant failure and backwardness in the 'nabob, a source of perpetual alarm to 'government, which often found itself absolutely unable to provide for the pay'ment of the troops when it became due: 'but if such are the inconveniencies of 'this system in time of peace, how totally 'unprovided, weak and defenceless must 'be your situation under it in time of war.' Lord Macartney, therefore, prevailed upon the nabob to confirm the assignment to the Company of the revenues of the Carnatic during the war, and until his debt was liquidated.—Unfortunately, however, the assignment was surrendered back to the nabob; but two years had scarcely elapsed, before the embarrassments of government were greater than ever.—The court of directors, alarmed at the accounts from Madras, sent orders to sir Archibald Campbell, then governor, to make a treaty with the nabob, and to stipulate for a subsidy of 10 lacks and 50 thousand pagodas. A treaty was in consequence concluded in 1787, by which the nabob voluntarily agreed to pay nine lacks; but, in less than eighteen months, he failed in his engagements, and his arrears, at the commencement of the war, in 1790, were so enormous as to oblige lord Cornwallis to assume, once more, the management of the country: certainly on the principles of justice, though not provided for by treaty. The assumption of the Carnatic in time of war, afterwards became an article in the treaty of 1792, upon which occasion, the nabob having represented to lord Cornwallis the inadequacy of his resources to discharge his pecuniary engagements, an indulgent modification of the treaty of 1787 was framed. Had the treaty of 1792 been adhered to with that good faith, which we had a right to expect from the nabob, the country would have found in it a source of increasing prosperity; for, by its wise provisions, a considerable portion of the Carnatic was exonerated from those private assignments, which had ever been productive of oppression and distress to the inhabitants; but the expectations, justly entertained from the operation of that treaty, were disappointed, and the evils of the administration of the Carnatic, if possible, increased, after the death of Mahomed Ally in 1795. It now became necessary, continued the hon. member, to examine whether the nabob adhered to the treaty of 1792, and he thought he should have no difficulty in shewing that he had violated, not only the spirit, but the letter, of that treaty.—In the year 1794, his noble friend, lord Buckinghamshire, assumed the government of Madras. It was notorious, at that time, that the nabob had granted assignments on the districts mortgaged to the Company.—In the minutes in council of his noble friend, the mischiefs resulting from that practice, were fully explained, and the system was traced through all its intricacies.—In a letter to the Court of Directors, dated in Sept. 1796, lord Buckinghamshire observed, that 'the fullest consideration of 'this important subject, with the contem'plation of that ruin in which the nabob's 'breach of engagement is involving the 'Carnatic; the daily accounts which he 'received of the oppression and miseries 'of the unfortunate inhabitants, and the 'conviction which he had of the progres'sive annihilation of the resources of the 'Company, had so strongly impressed his 'mind with the necessity of a change of 'system, that he had no hesitation in say'ing, if there be no doubt (and it is not 'possible for any man in India to doubt 'it,) of the treaty of 1792 having being 'violated by the nabob, there can be no 'question of our right to avail ourselves of 'every means in our power to enforce 'such a modification of the treaty, as will 'guard against the fatal consequences of 'future violation, and he was not afraid to 'hazard his character upon the policy, the 'justice, and the humanity of the mea- 'sure.' Mahomed Ally, the hon. member said, was apprized by his noble friend, that by the infraction of one of the main articles, the whole treaty had been cancelled, and lord Buckinghamshire endeavoured, but without success, to prevail upon the nabob to agree to a modification of the treaty, by placing under the Company's management a permanent territorial security equal to the amount of the subsidy; and, as an inducement, offered to give up a claim which the Company had on the nabob for about 30 lacks of pagodas.—After the death of Mahomed Ally, lord Buckinghamshire made a similar proposal to the nabob Umdit ul Omrah, to which he likewise refused to accede. Umdit ul Omrah was also informed by lord Buckinghamshire, that he considered the granting assignments on the mortgaged districts, a violation of the treaty. And the government at home, in July 1796, warned the nabob of the consequences of such conduct; but there is stronger evidence than this, of the nabob's violation of the treaty, for the nabob himself, in a paper delivered to lord Wellesley, in May 1798, says, 'Having complained that, under the 'present arrangement of my monthly 'kists, he was compelled, at a particular 'period of every year, to raise money 'for the payment of the Company's mi- 'litary subsidy, which money was re- 'paid from his countries in the following 'manner; viz. supposing a kist of a lack 'of pagodas was to be paid, we received '60 thousand from the country, and bor- 'rowed the remaining 40 thousand from 'some person, and give him an order on 'that country for that amount, which he 'receives.' It was well known that these assignments extended to the districts specified in the treaty, for it was recorded by lord Buckinghamshire, in a minute in council, 'that the southern districts of the 'nabob's country, and Tinnivelly in par- 'ticular, as being the most distant from 'the presidency, have been the theatre 'in which these scenes have been chiefly 'exhibited; but it is notorious that simi- 'lar practices have been introduced, and 'are now actually carried on in Nellore, 'Arcot, and Trichinopoly.'—The house would recollect, that every one of those districts was specified in the treaty.—But it had been attempted to be argued by the nabob, that his granting assignments on the mortgaged districts, was not a violation of treaty; and that the only penalty for so doing, was in the event of those districts being assumed by the company, that the assignments should be of no value and of no effect. The 5th section of the 8th article of the treaty of 1792 was as follows, and with the leave of the house, colonel Allan said, that he would read it. 'In 'consequence of the measure whereby the 'districts mentioned in the Schedule, No. 2. 'become responsible for any arrears that 'may accrue in the payment of the above 'stipulated kists, the said nabob agrees 'that he will not grant tunkaws or assign- 'ments on any account on the revenues 'thereof; and if, contrary to this condi- 'tion, any tunkaws or assignments should 'exist when the said districts, or any of 'them, shall be assumed by the said Com- 'pany, such tunkaws or assignments shall 'be declared, by the said Company, and 'the said nabob, to be of no value, nor 'shall they remain in effect.'—He would not, however, attempt to argue what should be the just construction of this clause, as he had no doubt, that, if it should be necessary, it would be ably and successfully argued by persons whose opinions would have more weight in the house than his could have; but he must say, that he thought his noble friend, lord Buckinghamshire, had put that construction upon it, which was intended by lord Cornwallis, who framed the treaty, and that it was at the time of its conclusion so understood by the nabob.—That he might not mis-state his noble friend, he should make use of his own words contained in a public letter to the Court of Directors. 'The 5th sec- 'tion of the 8th article of the treaty of '1792,' says lord Buckinghamshire, 'is 'made to affect two parties, the nabob, 'and the money lender; if the former 'grants assignments on the mortgaged dis- 'tricts, he is liable to such penalties as 'generally attach upon a breach of en- 'gagement; if the latter advances his mo- 'ney upon securities upon the districts in 'question, he hazards the loss of it, on 'their falling into our hands; how a clause 'distinctly affecting two separate objects, 'can justly be construed to exonerate the 'one from all penalty, because its final 'operation upon the other is specifically 'provided for, is beyond my capacity to 'discover.'—Upon this authority then, he had no hesitation in asserting, that the nabob, by granting assignments on the districts mortgaged to the Company for the security of the subsidy, violated the treaty of 1792. That the government at home were decidedly of that opinion, is evident from a letter to Madras in June 1799, in which they observed, 'that his 'highness has distinctly acknowledged, 'that he is in the practice of raising money 'annually by assignments of the revenues 'of those districts which form the security 'for the payment of the Company's sub'sidy; as this practice is unquestionably 'contrary to the letter, and subversive of 'the spirit of that treaty, we direct, that 'immediately upon the receipt hereof, 'you adopt the necessary measures for 'taking possession, in the name of the 'Company, of the whole, or any part of 'the said districts, which shall appear to 'be so assigned.'—Col. Allan then said, that if he had succeeded in shewing that the treaty of 1792 had been violated, the justice of the late arrangement in the Carnatic must be admitted. But the nabob had not only violated the treaty, by granting assignments on the mortgaged districts, but also by entering into a correspondence with Tippoo Sultan, without the knowledge and consent of the British government. It had been asserted, that an eager examination of the papers of Tippoo Sultan, was amongst the first acts of the general staff after the fall of Seringapatam. It chanced, the hon. col. said, to be his lot to be the first British officer that entered the palace of Tippoo Sultan; he was on the general staff, and in the confidence of the commander in chief, and had opportunities of knowing what was done. Tippoo having been killed in the assault, his sons and generals, who commanded divisions of his army, as soon as they were apprised of his death, surrendered themselves to general Harris. Measures were immediately taken to secure the quiet possession of Tippoo's dominions.—The records of the Mysore government were carefully preserved; they were examined, and the correspondence of the nabobs of the Carnatic having been discovered, it was, of course, transmitted to the governor general. Of the nature and object of that correspondence, he admitted, that different opinions might be formed; but we knew that, by the treaty of 1792, the nabob was bound not to enter into any political correspondence with any native power without the consent of the British government; and we also knew that the nabob, in compliance with that stipulation, was in the practice of sending to the government of Madras, for their approbation, not only the drafts of the letters, which he proposed writing to Tippoo, but also the letters which he received from the sultan. Keeping this in their recollection, gentlemen would observe, that among the papers before the house, are numerous letters from the nabob to Tippoo on the most trivial occasions, merely complimentary, all submitted to the inspection of the government before they were dispatched, clearly shewing that the nabob did not consider himself at liberty to hold any correspondence whatsoever without the knowledge and consent of the British government.—What were we then to infer? when on the occasion, perhaps on the very day on which the nabob had sent one of these complimentary letters to the government for their approbation, we found that he had also written a letter of a secret, and at least a mysterious nature, which he dispatched to Tippoo without their knowledge.—Some of the communications made by the nabob through Tippoo's ambassadors were for the purpose of apprising the sultan, that he was suspected by the British government of carrying on an improper negociation with the Mahrattas, of advising him to suspend his plans until a more favourable opportunity occurred, and of recommending him to be more guarded in his intercourse with the French; and we must not forget, that Tippoo had, on his part, sent ambassadors to France and to the Mauritius, in order to prevail upon the French to afford him military assistance. What then, asked the hon. member, are we to infer from the secret meetings of the nabob with the ambassadors of Tippoo?—From the communications made only under a solemn oath of secrecy? From a cypher evidently intended, if not for hostile, certainly for political, purposes? And all this at a time, when, it would be recollected, that Tippoo was endeavouring, by every means, to unite all the Mahomedan princes in Hindostan for the avowed purpose of expelling the English from India. But was this the extent of the nabob's treachery? By no means; for we are informed, that in a conversation held by Mahomed Ally with one of the ambassadors, the nabob reprobated the war carried on by lord Cornwallis, as a war undertaken for the subversion of the Mahomedan religion; by that war, Tippoo was reduced in power, wounded in pride, and he determined on revenge; he, therefore, determined to support the faith, and to exterminate the Infidels, meaning the English. With such feelings on his mind, what was the language of the nabobs of Arcot, the allies of the Company. It will be found in one of the letters from Umdit ul Omrah, which contained this remarkable passage, which he desired might be repeated to the sultan: 'In the preservation of thy person, is the perpetual permanence of the faith.—Let him not remain who wisheth not thy preservation.'—The hon. member thought no man would be bold enough to assert, that the nabob would have ventured to have submitted that letter to the inspection of the Madras government; and yet there were persons disposed to offer an excuse for every act of perfidy in the nabob, and to brand with odium the British name in India. In his opinion, however, it was enough, that the correspondence found at Seringapatam was secret, and that it had been carried on by the nabob without the knowledge and consent of the British government; for his part, he thought that no impartial man, who had perused the letters which were submitted by the nabob to the inspection of the Madras government, and had compared them with the letters which were found at Seringapatam, could lay his hand on his heart, and pronounce that correspondence to have been innocent;—the fair presumption was, that it was of a nature hostile to the British interests, it certainly was a violation of the treaty of 1792.—With this impression on his mind on the subject of the nabob's conduct under the treaty of 1792, he should trouble the house with a few words with regard to the policy adopted by the British government on the discovery of the violation of that treaty. In the first place, he would remark, as a general principle, that the policy of some arrangement similar to that which has recently been adopted in the Carnatic, could not be doubted by any person who had looked into the papers.—As far back as 1774 the inconveniences and dangers resulting from the system of the nabob's administration, had been often experienced by the government of Madras, and as often represented to the court of directors. When Hyder Ally invaded the Carnatic in 1780, there was an instant stop to all payments from the nabob.—In that dreadful exigency, so eloquently described by Mr. Burke in the speech to which the hon. member had before alluded, the assignment of the revenues of the Carnatic was obtained, without which all our revenues and credit must have been inevitably sunk to no purpose. Of the importance of that assignment, and of the danger of restoring the Carnatic to the nabob, lord Macartney was so deeply impressed that, in one of his letters to the court of directors, he says, 'From the 'moment you surrender the assignment, 'you cease to be a nation on the coast;' and in another, 'Without the assignment, 'I see not a ray of hope for the preserva-'tion of the Company or the security of 'the nabob.'—Lord Macartney justly considered the assignment to be, not only the rock of our strength in the Carnatic, but that the nabob's real interest and happiness, as well as the general security would have been best consulted by retaining it; and that the Company, upon the same principle that they exercised the right to wield the sword for the common good in time of war, ought to have administered the revenues for the common good in time of peace. Lord Cornwallis perfectly coincided in opinion with lord Macartney as to the necessity of a radical reform, and he examined the whole system of our connection with the nabob, with a view to that object. The opinion of lord Cornwallis must have so much weight with the house and with the country at large, that the hon. member was anxious to draw their attention to an extract of a letter from his lordship to the court of directors in Aug. 1790, 'I must 'freely own,' says lord Cornwallis, 'that 'I could not venture to propose any plan, 'on the success of which I could have any 'firm reliance, unless the nabob could be 'induced by a large annual revenue, re-'gularly paid and properly secured to him, 'to surrender the management of his coun-'try for a long term of years, to the com-'pany. The nabob's age, his long con-'nection with us, his right to the posses-'sion of the country which, however, with-'out our assistance, would have been but 'of little value to him, and exaggerated 'accounts of former services, may furnish 'topics for popular declamation, and may 'possibly engage the nation, upon mistak-'en ideas of humanity, to support a sys-'tem of cruelty and oppression; but whilst 'I feel conscious that I am endeavouring 'to promote the happiness of mankind, and 'the good of my country, I shall give 'very little weight to such considerations, 'and I should conceive that I had not 'performed the duty of the high office in 'which you did me the honour to place 'me, if I did not declare that the present 'mixed government cannot prosper in the 'best hands in which your part of it can 'be placed, and that unless some such 'plan as that which I have proposed should 'be adopted, the inhabitants of the Carnatic must continue to be wretched, the 'nabob must remain an indigent bankrupt, 'and his country an useless and expensive 'burthen to the company and the nation.' This was not the only proof that this subject had engaged the most serious attention of lord Cornwallis, for in a letter written two years afterwards, his lordship observed that, 'If there had been the least 'chance of obtaining the nabob's acquiescence he should without hesitation have 'been ready to have proposed to him as 'the plan best calculated for promoting 'his own interest and comfort, and the 'happiness of the inhabitants of the Carnatic, that he should entrust the company with the entire management of the 'country, under an engagement to pay 'him regularly a liberal portion of its revenues for the maintenance of his family 'and the support of his dignity.' The hon. member said, that he need not remind the house, that this plan exactly corresponds with that which was proposed by lord Powis to Ally Hussein. Of the practical wisdom of that plan, no man could doubt, when we find, notwithstanding all that had been done by lord Macartney, by sir Arch. Campbell, and by lord Cornwallis, that the evils of the nabob's administration still continued to exist as late as 1795, and to require correction. Lord Buckinghamshire, in his minute dated in Oct. 1795, observed, 'That no comment 'could be required to shew that that species of government, if it deserved the 'name of government, contained the most 'grievous oppressions of the people, the 'certain impoverishment of the country, 'and the inevitable decay of revenue.'—Impressed as his lordship was with a serious conviction of that truth, he looked with extreme anxiety to the nature of the security provided by the treaty of 1792, and his lordship stated his opinion, that there was no other remedy than placing the districts pledged for the security of the subsidy in the hands of the company. The conduct of his noble friend was highly approved by the court of directors, who sincerely lamented, that the nabob could not be prevailed upon to adopt the modification of the treaty proposed by lord Buckinghamshire, which, they observed, was founded upon principles of sound policy, humanity and justice; they therefore directed his noble friend to renew the proposition in their name. So deeply indeed were the court of directors, and the government at home, impressed with the absolute necessity of this arrangement, that they requested lord Wellesley to make a short stay at Madras on his way to Bengal, in order to prevail upon the nabob of agree to the plan proposed by lord Buckinghamshire. But these were not the only testimonies of this branch of the question to which he could refer the house. We find, said the hon. member, in the papers before us, that as late as the year 1801, the opinions of lord Powis strengthening and confirming those of his predecessors, his lordship observed, that 'It was 'material for him to repeat, and with impressive earnestness, that no security, 'sufficiently extensive and efficient for 'the British interest in the Carnatic, can 'be derived from the treaty of 1792, and 'that no divided power, however modified, 'can possibly avert the ruin of that devoted country.'—The hon. member declared, that after the opinions of lord Macartney, lord Cornwallis, lord Buckinghamshire, and lord Powis, publicly recorded, and to which he had endeavoured to draw the attention of the house; after the fullest enquiries on the spot, possessing also, as lord Wellesley did, every means of acquiring correct information, he could not feel surprised, that lord Wellesley should have considered the late arrangement in the Carnatic as founded in the wisest policy. Its impolicy however had been argued upon grounds, in his humble opinion, quite erroneous. It had been remarked by those who differed from him on this occasion, that formerly we had no invidious duties to discharge, that the nabob's government exacted the revenue and inflicted the punishments, that they were regarded as the oppressors, whilst we were considered as the benefactors of the country; but that now we had changed places with the nabob; and we were then gravely asked, whether it was wise to have taken upon ourselves a task which must render us odious to the natives? To this point the hon. member said he could speak from his own personal knowledge, for he was employed for 7 or 8 years making surveys of the country, and traversed every part of it, and he believed he might venture to say, that at the time he quitted India, no European had seen more of the Carnatic than himself; he had many opportunities of learning the real sentiments of the inhabitants, and he had no hesitation in declaring, that they invariably spoke in praise and admiration of the system pursued during the period that the country had been under the management of the company's servants; and with detestation and abhorrence of the nabob's managers, whose oppression and cruelty were so great, that he had known all the inhabitants of a village fly from the nabob's territories, during the night, to seek protection in those of the company, or perhaps to retire altogether into the dominions of the nizam or of Tippoo Sultaun.—It might be argued however, (and some had already made the attempt) that although the late arrangement in the Carnatic was founded in justice and policy, the family of Mahomed Ally had strong claims on the liberality and indulgence of the British government. It may, therefore, continued the hon. member, be worth while to examine how far such claims are well founded. From our earliest connection with Mahomed Ally, we had reason to be dissatisfied with him for his want of faith and honour, instances of which had been recorded as far back as the administrations of Mr. Bouchier and Mr. Dupré, and the government of Madras had declared that the nabob's conduct was such as to destroy all confidence in his engagements.—Lord Macartney observed that the records were full of essential failures on the part of the nabob in his pecuniary engagements. In the war with Hyder Ally in 1780, we applied to the nabob in vain for assistance; the same when we were preparing for the war in 1790.—In the war of 1799 the government was compelled to call upon the nabob for pecuniary assistance; for when lord Wellesley assumed the government of India, he found an exhausted treasury and our credit very low. The nabob promised three lacks of pagodas, no very large sum, but it will scarcely be believed, that he advanced only 16,000 pagodas, or 6,400*l.*; private individuals shewed more zeal, and to the honour of the British commercial houses at Madras, they afforded every possible assistance, and enabled the army to move from our frontier to Seringapatam. But this want of attachment to his allies was not confined to failures in his pecuniary engagements; the nabob actually shewed an indifference to the British interests, which might justly be attributed to disaffection. In a letter from the Madras government to the court of directors, Aug. 1799, they observed, 'We are concerned 'to inform you that this is not the only 'instance in which we have had to lament 'an indifference to the success of our 'measures on the part of his highness, for 'instead of calling forth the resources of 'the Carnatic, for the supply of your 'army, his highness's managers, in every 'province of his dominions, not only with-'held all assistance from their respective 'districts, but opposed every possible ob-'ject to the passage of supplies, procured 'for the use of the army beyond the li-'mits of his highness's dominions.'—And the governor at home in a letter to Bengal, dated the 4th Dec. 1800, mentioned the particulars of the nabob's conduct regarding the fort of Chandernagherry, and observed that, 'a more decided instance 'of disaffection could scarcely be imagin-'ed.'—Under all these circumstances of the nabob's repeated, he might almost say constant, failure in his engagements; of his indifference to the British interests, an indifference amounting nearly to disaffection;—of his violation of the treaty of 1792, not only by granting assignments on the districts which were mortgaged to the company as the security for his subsidy; but also by entering into a secret correspondence with Tippoo Sultaun, the implacable enemy of the British name in India; the hon. member contended that we were justified in considering the treaty of 1792 as annihilated, and in adopting whatever measures we deemed necessary to secure our rights in the Carnatic. With this view it was the intention of the British government, to have made a communication to the nabob, Umdit ul Omrah, of the proofs which they had obtained, of his having carried on a secret correspondence with Tippoo Sultaun contrary to the stipulations of the treaty of 1792.—He had previously been apprised of his violation of that treaty by granting assignments on the mortgaged districts. Circumstances of expediency however interrupted this communication; it was protracted by the nabob's illness, and his death frustrated the wish of the British government to obtain from him satisfactory security for their rights in the Carnatic.—Released from the treaty of 1792, which had been repeatedly violated by the nabob, with the recorded opinions of lord Macartney, lord Cornwallis, lord Buckinghamshire, and lord Powis, that no divided power, however modified, could possibly avert the utter ruin of the Carnatic, the opinion of lord Wellesley was further strengthened in these sentiments by a letter from the secret committee approved by the board of controul, transmitted to him in June, 1799. In this letter the secret committee observed, 'In the event of a war with 'Tippoo Sultaun, the respective countries 'of the nabob of Arcot and the rajah of 'Tanjore, will of course come under the 'company's management, and they direct 'that they be not relinquished without 'special orders from us or the court of di'rectors.' Without entering into any detailed examination of the contents of this letter, he would be satisfied with merely begging the house to remark, that even upon a general principle of expediency, and without any knowledge of the secret correspondence found at Seringapatam, the government at home ordered lord Wellesley not to relinquish the Carnatic even upon the conclusion of a peace with Tippoo Sultaun. Therefore, he was clearly of opinion, that under all these circumstances, it was the duty of lord Wellesley to form such an arrangement for the future administration of the affairs of the Carnatic, as should result from a full consideration of the relative situation of the nabob and the East India company; the ruinous consequences of the repeated violations of the treaty of 1792; the interests of the inhabitants of the country, the security of the British government, and the orders that had been received from the court of directors.—A difficulty however arose with respect to the person who was to succeed to whatever degree of power it might be deemed safe to place in the hands of the successor of Umdit ul Omrah. His illegitimate and adopted son was considered entitled to a conditional preference, but when, under the suggestion of those, who had been the advisers of his father, he refused to accede to the terms which it had become necessary to annex to the situation of nabob of the Carnatic, the succession, subject to the stipulations required, was offered to and accepted by the next legitimate heir, the son of Ameer ul Omrah and grandson of Mahomed Ally. But it had been said, that that arrangement in the Carnatic was begun, continued and concluded with a rapidity which was observable in all the foreign transactions of the Bengal government; it was no doubt easy to make, but it certainly was as easy to refute such an assertion. So far from that rapidity with which the Bengal government was unjustly charged, it appears that lord Wellesley investigated the business with the most deliberate caution.—He appointed commissioners (of whom, in consequence of what had fallen from the hon. bart. who opened the debate, he should say a few words before he sat down) to examine the persons concerned in the correspondence, and to ascertain the nature of the connection between the nabobs of the Carnatic and Tippoo Sultaun; he reported the proceedings to the secret committee and to the board of controul; and it was not until lord Wellesley was informed by those high authorities that their sentiments perfectly coincided with his own, and with lord Powis's, that he gave his final instructions on the subject, two years after the discovery of the correspondence of the nabob with Tippoo Sultaun; the charge therefore of precipitancy was quite unfounded. The treaty with Azeem ul Dowlah was concluded in July 1806; it was immediately transmitted to England, and it was now only necessary to shew that it was approved of by the government at home. The house would, he flattered himself, agree with him, that a hasty decision had not been pronounced upon that important measure. In Sept. 1802, fourteen months after the treaty had been concluded, the secret committee having had the papers a long time under consideration, wrote to lord Powis as follows, 'We 'do not feel ourselves called upon to enter 'into the detail of the circumstances con'nected with the case, or to state at length 'the reasoning upon those circumstances, 'which has led to the conclusion we have 'come to, after the fullest and most deli'berate caution. It is enough to state to 'you that we are fully prepared, upon the 'facts, as at present before us, to approve 'and confirm the treaty in question; and 'we are of opinion, that acting under the 'instructions of the governor-general, you 'stand fully justified (upon the evidence 'written, as well as oral, on which you 'proceeded,) in deeming the rights of the 'family of Mahomed Ally, as existing 'under former treaties, to have been 'wholly forfeited, by the systematic perfi'dy and treachery of the late nabobs of 'the Carnatic, Wallajah, and Umdit ul 'Omrah, in breach of their solemn trea'ties with the company. The claims of 'the family having been thus forfeited, 'and a right having accrued to the company of making provision at their discretion, for the future safety of the Carnatic, 'we are further of opinion, that the nature 'of the security which has been provided 'by the treaty for the defence and preservation of our interests in that quarter, is 'of a satisfactory description.' After having so long troubled the house, he would merely observe, that the view which he had taken of this subject, was formed upon an attentive perusal of the papers laid before parliament, upon which alone we could form our judgment. Indeed the substance, almost the whole of the speech, with which he had presumed to trouble the house, was founded upon those documents, and he should therefore oppose the resolutions moved by the hon. bart.—The hon. bart. however, in speaking of the commissioners, had used an epithet, which the hon. member said he was sure he would not have done, if he had been personally acquainted with them; and yet a very slight examination of the papers would have enabled the hon. bart. to have known those gentlemen, by character and reputation.—Whatever opinion the hon. bart. might have formed of those gentlemen, he could assure him that there were not in the house, nor in the country, two men of a higher sense of honour, of more conscientious and honourable feeling.—Col. Close, so highly distinguished by his talents, his zeal and integrity, was resident at the court of Poonah; if he were in this country he should have wished him to have been examined at the bar of the house, and he was persuaded that the hon. bart. would have formed a different opinion of the secret correspondence to that which he entertained. With Mr. Webbe, late chief secretary to the government, the hon. member said he had been in habits of the most affectionate friendship; unfortunately for his friends and his country, this valuable public officer was dead; he sacrificed his life in the service of his country; he was a man of the nicest sense of honour, justly looked up to as one of the highest characters in India; he could truly say, that Mr. Webbe's memory was universally revered. His noble and independent mind would not have allowed him—[Here the feelings of the hon. member were so acute, that he was unable to proceed, and sat down with marks of the greatest sorrow and agitation.]

Mr. *Windham*, on account of the lateness of the hour, and the number of hon. members who had yet to speak upon the subject, proposed that the debate should be adjourned to Tuesday next, which was ordered accordingly.

HOUSE OF COMMONS.

Wednesday, May 18.

[PETITIONS RESPECTING THE REPORT ON DISTILLATION FROM SUGAR.] Mr. *Gooch* presented a Petition from several owners and occupiers of lands resident in the county of Suffolk; setting forth, "That the petitioners are many of them owners, but the greater part of them occupiers of lands in a county where barley is the chief article of cultivation; and that it is with concern they learn that a Committee of the house has in its Report recommended the substitution of Sugar and Molasses, instead of barley and other grain, in the distilleries, which must be highly injurious to the agricultural interest of the country; and that the petitioners had trusted that the satisfactory and unanswerable reasons assigned by a committee of the house last year against the adoption of such an expedient would have set at rest its further agitation, and quieted the alarm it is fully calculated to produce; should the farmer be deprived of the certain market the distilleries afford, even for a time to be limited, it must tend to lower the price of grain, and damp the increasing spirit of agriculture; and that the petitioners, however strongly they may feel the distresses and the difficulties under which the West India trade at present labours, however anxious they may be for the adoption of any measure for its relief, still they cannot perceive that either justice, policy, or necessity requires that such relief should be administered to them at the sole and exclusive expence of the land, being a sacrifice of the more important interests of agriculture; and therefore praying the house not to allow such a bill to pass into a law."

Mr. *Campbell* presented a Petition from the lord provost, magistrates, and common council of the city of Glasgow; setting forth, "That the petitioners feel themselves called upon, at this interesting crisis, to express to the house their unqualified approbation of the proposal lately made in parliament for the temporary suspension of Distillation from Grain; the present relations of these kingdoms with the other nations of the world, the large quantities of grain which it is well known this country has been obliged, for many years, to import beyond the extent of its own produce, and the necessity of our providing at home for the probable deficiency in these importations, evidently dictate such a prudent measure: and, although there is just now plenty of grain in the country, it would betray a great want of foresight, in times like these, not to be prepared for every event, or to run the smallest risk of a scarcity amongst the people of these happy lands; and that the petitioners are too well aware of its universal importance ever to make any request in the smallest degree inconsistent with the agricultural prosperity of the country; on the contrary, they feel it is at all times their duty, as it is their interest, to promote, as far as lies in their power, the improvement and extension of agriculture; but they must confess they are not able to perceive how the stoppage of Distillation from Grain at this time can possibly interfere with that improvement; they cannot see why any alarm should be excited in well-informed and unbiassed minds by such a proposal; they cannot allow themselves to believe that calculation has been resorted to by those who have taken such alarm; for surely it is manifest that our farmers will have to provide not only for the expected short importations into this country but also for the consumption of the West India colonies, which have now to look to Britain for the supply of a large proportion of their wants; the additional quantity of grain required for those two purposes will, beyond doubt, greatly exceed all that is at any time consumed in the distilleries; and it is a well-ascertained fact, that the prices of the different kinds of grain mutually operate on each other, so that the grower of barley need be under no apprehension; nor should it be forgotten, that the proposed suspension of distillation from grain is not to be of a permanent, but merely of a temporary nature, and that the king in council is to be empowered again to permit the use of barley in the distilleries as soon as it falls below a fair and reasonable price; farther the petitioners cannot avoid expressing their satisfaction, that this well-timed measure will also tend to the relief of a very numerous and respectable part of the community, whose interests as British subjects ought not to be overlooked, the West India planters and merchants, who, possessing a considerable quantity of sugar beyond what is required for the consumption of these kingdoms, will, by the use of that article as a temporary substitute for grain in the distilleries, be enabled to find a market for the surplus produce of their lands, and the country will thus be enabled to defeat the malicious purposes of our enemy, who equally withholds from us those markets where we could sell our surplus Sugar, and supply ourselves with what grain we stand in need of; and therefore praying, that the house may adopt measures for suspending the use of grain by the distillers of Great Britain, and for restricting them to the use of sugar for a limited period."

General *Tarleton* presented a Petition of the mayor, bailiffs, and burgesses of the town of Liverpool, in council assembled, setting forth, "That the petitioners have seen, with feelings of considerable regret, advertisements for meetings in several parts of the kingdom, for the purpose of agreeing to petitions against the measure recommended by a committee of the house for a temporary suspension of the use of grain in the Distilleries, as calculated to prove injurious to the agricultural interest of the country; and that, in the present state of our foreign relations, whilst so many of the ports of Europe are closed against us, rendering it impossible to procure a supply of corn from the continent of Europe, whilst in addition to this, the embargo which has taken place in the united states of America precludes us from obtaining any importations from thence, and whilst it remains an undisputed fact that this country has for many years past been dependant upon foreign supply for a considerable part of the subsistence of her inhabitants, more particularly in the populous town of Liverpool and county of Lancaster, the petitioners cannot but think it a measure of wise and prudent precaution to prevent the unnecessary consumption of the produce of our own soil, and, by a well-timed restriction, to guard against an evil of so great magnitude as must result from the failure of the usual means of supply; and therefore praying, that the house may proceed in the proposed measure to suspend the use of grain in the distilleries of the united kingdom, for such period, and under such restrictions, as to the house shall seem most proper and expedient."—The said Petitions were severally read and ordered to lie upon the table.

[MR. PALMER'S CLAIM.] Mr. *Lethbridge* presented to the house, pursuant to their order, a Copy of the Minutes of the Evidence taken before the Committee in the last session of parliament, to whom the Petition of John Palmer, of the city of Bath, esq. was referred.—The same hon. gent. then moved, "That there be laid before the house, an Account of the per centage due to Mr. Palmer on the Nett Revenue of the Post Office beyond 240,000*l.* from the 5th of April 1793 to the 5th of Jan. 1808, deducting the produce arising from increased postage and restriction in franking, and also the sum of 3,000*l.* a year, received during that period."

Sir *John Sinclair* objected to the word "due" in the motion.

The *Speaker* informed the hon. baronet that the house had declared it "was due."

[CRIMINAL LAW.] Sir *Samuel Romilly* rose to make the motion of which he had given notice, for some amendments of the Criminal Law. He was aware that from part of the public, and particularly that part of it whose opinion might be supposed to have most influence upon his conduct, a person who had such amendments to propose could hardly expect praise, but must consider it enough if he meets with excuse. His apology must be, that he had not taken up the matter lightly or on a sudden; that the subject which he presumed to bring before the house, was one which had occupied his thoughts for many years of his life. He had long ago promised himself, that if ever he should have the honour of a seat in this house, he would bring forward some measures for reforming the criminal law; and recollecting this, he could not but feel that he ought rather to apologise for having delayed the proposal so long, than for bringing it forward now.—In the criminal law of this country, he had always considered it as a very great defect, that capital punishments were so frequent; and were appointed, he could not say inflicted, for so many crimes. No principle could be more clear, than that it is the certainty, much more than the severity of punishments, which renders them efficacious. This had been acknowledged ever since the publication of the works of the marquis Beccaria; and he had heard, he could not himself remember it, that upon the first appearance of that work it produced a very great effect in this country. The impression, however, had hitherto proved unavailing; for it has not in this country, in a single instance, produced any alteration of the criminal law; although in some other states of Europe such alterations have been made. Indeed, if one were to take the very reverse of the principle, that would be a faithful description of the criminal law of England; in which punishments are most severe, and most uncertain in their application. It is notorious, how few of those who are condemned, actually suffer punishment. From returns which are to be found in the Secretary of State's office, it appears, that in the year 1805 there were 350 persons who received sentence of death, and of whom only 68 were executed, not quite a fifth part of the number; in the year 1806, 325 received sentence of death, of whom 57 were executed; and in 1807, the number was 343, of whom there were executed 63. If we deduct the number of those who received sentence of death for crimes for which pardon is never, or very rarely, granted, and take the number of those who are convicted of felonies, which have been made capital for some circumstances, which are not in truth circumstances of aggravation, perhaps it will be found that of 20 persons condemned to die, only one suffers death. The question is, whether the administration of justice should be suffered to continue in such a state, where the execution of the law is not the rule that is observed but an exception to it, and where it has been lately said in language, which one would expect to hear rather from the lips of a satirist than from the seat of judgment, that the "law exists indeed in theory, but has been almost abrogated in practise by the astuteness of judges, the humanity of juries, and the clemency of the crown."—His present purpose was to call the attention of the house to one class only of these severe statutes that had, from the change of circumstances, acquired a severity which was not originally intended: those in which the capital part of the charge depends on the amount of the property stolen; such as the statute of Elizabeth, which punishes with death the stealing privately from the person of another property to the value of 12 pence; the act of William and Mary which makes privately stealing in a shop to the amount of 5 shillings a capital felony, and many other statutes of the same kind. Such an alteration had taken place in the value of money since those statutes passed, that it was astonishing that the law should have been suffered to remain in words the same to the present day; the offences, in the mean time, having become altogether different. Perhaps there was no case which could render more striking the truth of lord Bacon's observation, that time was the greatest of all innovators; for in proportion as every thing which contributed to the support, the comfort, and the luxuries of life had grown dearer, the life of man had become cheaper and of less account.—There were many mischievous consequences, resulting from such a state of things, which did not strike one at first; but which became more evident, the more they were reflected on. Such laws cannot be executed. Juries are placed in the painful situation of violating one of two duties; they are reduced to the alternative of violating their oath, or what they are sometimes mistakenly induced to think more binding on them, the dictates of humanity. Often against the plainest evidence, juries find the property not to be of the value of which they and every body else know it to be; and this comes to be considered, as Blackstone somewhere expresses it, as a "pious perjury," words which one is sorry to see ever put together: for nothing can lead to more immoral consequences, than that men should familiarize themselves with the violation of a judicial oath. The law ought not to remain so. Offenders are often acquitted against the clearest evidence: and the very severity of those laws, by a necessary consequence, holds out an encouragement to crimes. While there are thus two laws, one upon the statute book, and another in practice, a total change has taken place in the nature of that which is considered as the most valuable prerogative of the crown; the prerogative of shewing mercy. The true state of the case is, that, in exchange for that prerogative, the crown has the painful duty imposed on it, of selecting those upon whom the judgment of the law shall be executed. In London and Middlesex this is done by the privy council, but upon all the circuits this duty devolves upon the different judges of assize; and it is felt by them to be the most painful of their duties. No rules are laid down to govern them in the discharge of it; but they are left to their own discretion, which must necessarily be as various as are their different habits and sentiments and modes of thinking. It may be the opinion of one judge, that punishments ought to be inflicted most strictly when crimes are most frequent; another, with the same anxiety for the discharge of his duty, thinks that it is most useful to be rigourous when crimes make their first appearance. One judge is more influenced by humanity; another more swayed by a sense of what is due to the safety of the community. And thus, their discretion is apt to be exercised under motives, not only different, but often quite contrary. The question was, what should be the remedy? Being sensible that, when a private individual takes upon himself to propose alterations in the law, it becomes him to proceed very cautiously, to do at first too little rather than too much, to alter and yet not seem to innovate, and to have the test of experience in favour of his first essays at improvement, before he proceeds to propose all that he would have established; being strongly impressed with this, he had at first intended only to move to repeal the statutes, and to propose others in the same words, only with sums equivalent to the value of what was originally fixed by the legislature; and by re-enacting the laws such as by the authors of them they were meant to be, to repeal those statutes which time and a change of circumstances had imperceptibly substituted in their place. But, when he found that he would thus be enacting capital punishments for offences, in which there are no circumstances of aggravation, he could not bring his mind to do it, and he determined to propose the simple repeal of all those statutes. As, however, they will require different considerations, he judged it most expedient to bring them one by one under the review of the house; and he proposed, therefore, to begin with the most objectionable, the 8th of Elizabeth, chap. 4. which made stealing privately from the person a capital offence: declaring it at the same time to be his intention, and wishing it to be understood, that he will at proper times bring forward a repeal of the others. The unnecessary severity of the 8th Elizabeth, its absurdity and want of logic, made it a disgrace to the statute book. (Read the preamble and first enacting clause.) Reciting that the offence was sometimes committed under circumstances which were an aggravation, therefore it enacts that in all cases, and although there was no aggravation, clergy should be taken away. In his time, he never had heard but of one single instance in which an offender, convicted under this statute, suffered death; it was a case upon the northern circuit, where a pick-pocket detected in court was immediately tried and left for execution. It was a solitary case as far back as he could remember, and even if that had been omitted, it would have been no great misfortune. Under this statute, from the strict construction which the judges observed of the word "privily," that very violence which would be an aggravation of the offence, if it is not such as to amount to robbery, saves the offender.—There was another subject which, he thought, required the interposition of the legislature; it was to provide, in certain cases, a compensation to persons tried and acquitted, after having been long detained in prison. At present they have no compensation, except by an action for a malicious prosecution, where the judge is satisfied there was no probable cause. If suspicion of having committed a crime falls upon an individual in the labouring class of the people, whose family depends upon his daily wages for subsistence, he may lie eight months in gaol; for that is sometimes the interval between the summer and lent assizes; and in the four northern counties, he may be imprisoned above a year. His family in the mean time is, probably, consigned to the workhouse, and when he returns home after an acquittal which completely establishes his innocence, he finds them ruined in their health or corrupted in their morals. If, for the convenience or utility of the public, private property is ever interfered with by the authority of parliament, full compensation is carefully made to the owner; but what is that loss which is thus compensated to the opulent, compared with the injury suffered by the poor man in the case he had mentioned? It will be said, that such a case does not happen often, but it sometimes happens, and in such cases a remedy ought, no doubt, to be provided. The difficulty was, that it is not every person acquitted who deserved compensation; because many persons were acquitted who are still guilty; acquittals from defects of form being unavoidable, even under the best ordered laws. Another difficulty was, that if such a remedy were given by law, it might have a mischievous effect towards those very persons, who are the objects of redress; because in some cases the evidence was so nicely balanced, that if the jury felt themselves reduced to the alternative of convicting or of giving a reward to the prisoner by acquitting him, this consideration might have the effect of determining them to convict. The discretion of saying in what cases compensation should be given, could only be reposed in the jury or in the court; and he thought that there could be no hesitation between those two. The jury ought not to have their attention diverted from the single point of ascertaining the fact, of guilty or not. Fortunately, there was already in our statute book, an act which he should take as a model. Till the year 1752, no compensation was made by law to prosecutors for their expence and trouble in bringing offenders to justice; a circumstance which one might be surprised at, if such circumstances did not come very seldom before the legislature. Before such compensation was allowed, it often happened that the prosecution was by much a greater evil to the person, whose property had been taken from him, than that loss of property by the offence. The 25th Geo. 2. chap. 36. § 11. placed it in the power of the court, upon consideration of the prosecutor's circumstances, to grant him an order upon the treasurer of the county for his expences, and a reasonable allowance for his time. He meant to make this the model of the bill he proposed to move for leave to bring in. He hardly thought it necessary to anticipate any objection to this compensation, as being a new burden upon the county. Perhaps it might be thought, that the same reason existed for granting a similar compensation in cases of misdemeanour; but he meant to confine it to felonies, following the principle of the act of George 2. and to give compensation to persons acquitted only in the same cases where it was already by law given to the prosecutor. He moved, in the first place, for leave to bring in a bill to repeal so much of an act made in the 8th year of queen Elizabeth, as takes away the benefit of clergy from persons convicted of stealing privily from the person of another.

Mr. *Herbert* said, he was one of those who approved of the laws, and he thought that very good grounds ought to be laid down before any innovation was made upon them. He disapproved, in particular, of the proposal for making compensation to persons who had been tried and acquitted. He suspected that, in Ireland, many indolent persons would reckon it no hardship to be confined in a comfortable prison.

Mr. *Wilberforce* differed so completely from the hon. gent. who had just sat down, that he declared he had experienced the most unmixed satisfaction at what had fallen from the hon. and learned baronet. He well remembered that a great and lamented public character (Mr. Pitt), at an early period of his life, had intended to have a digest made of the whole of our criminal code, with a view of lessening, in a great degree, the number of capital punishments which it contained, and the objections to which it was impossible to confute. He congratulated the house and the country that an individual so well qualified for the task by his ability and experience as the hon. and learned bart. had turned his attention to this most important subject.

Sir *John Newport* said, he could not help expressing surprise at what an hon. gent. (Mr. Herbert) had stated as to Ireland. He was at a loss to know in what part of Ireland the prisons were so comfortable, as to prove an inducement to indolent persons wishing a confinement. He believed the gaols were so far from being commodious, that they rather excited horror and detestation, and many instances had occurred where men's toes were eaten by rats: was this the accommodation the hon. gent. thought so agreeable as to be prized by the Irish people?

Mr. *Herbert,* in explanation, said, he still believed there were many persons who led a life of idleness, who would think themselves well accommodated in the gaols of Ireland.

Sir *G. Hill* contended, that in Ireland, and particularly in the province of Ulster, there was as much humanity on these subjects as in England.

The *Solicitor General,* professing, as he felt, the most unfeigned respect for the ability and zeal of his hon. and learned friend, who brought forward the present motion, was by no means satisfied that it would produce the benefit expected from it. He was not, indeed, prepared to say whether the good or evil it might produce was likely to preponderate. In this situation he should only lay in his claim to approve or disapprove of the measure, as, on more mature reflection, he should be of opinion it merited. Whether the attempt to grant compensation to persons acquitted of offences imputed to them, might not be productive of greater evil than good, was not now the question. He was certainly inclined to think, that however plausible the theory, the practice would be very injurious.

Sir *Francis Burdett* felt himself bound to pay the tribute of his testimony and approbation to the ability and motives of the hon. and learned baronet, by whom this motion had been made. Part of it, however, appeared to him to be so contrary to what he had always understood to be the constitutional principles of this country, that he could not sit still in the house, and, by his silence, seem to give a tacit acquiescence in the propriety of the proposition. He thought it his duty, therefore, to say, that from what he had heard, he was by no means impressed with a favourable opinion of the bill proposed to be introduced. It was to his mind a grievous consideration, that after a verdict of acquittal by a jury of his country, it should be possible to tell any man that he was not honourably acquitted, but that an imputation of guilt still attached to him. What a grievous responsibility must, in this case, attach to the judge, who was, after a verdict of acquittal by the jury, to determine whether that acquittal was honourable or not. If this doctrine was to be sanctioned, in his opinion it was contrary to all the old established principles of the constitution of this country, and as such could not meet with his approbation. —Leave was then given to bring in the bill.

Sir *Samuel Romilly* then again rose. He was sorry that he had been so much misunderstood by the hon. baronet, who seemed to conceive that, in the motion which he was about to submit to the house, any thing was included but the general question, whether persons accused, tried. and acquitted, should or should not be entitled to compensation for the injury which they sustained. The mode of deciding to whom this compensation should be awarded, or whether it should be given to all indiscriminately (which he should prefer to withholding it from all) would be open for discussion when the bill was brought in. He moved for leave to bring in a bill to provide in certain cases compensation to persons tried and acquitted in a criminal court, for the damages sustained by them, in consequence of having been detained in custody and brought to trial.

The *Solicitor General* repeated, that in the view which he had of the subject, the evil would preponderate over the good. If the judge refused to give compensation, it would be indicative of the unfavourable opinion which he entertained of the innocence of the person by whom it was demanded; and he would thus be placed in a very invidious situation. Besides, suppose a person were acquitted on an error in the indictment before the merits of his case were investigated, how could the judge then decide on a claim of compensation? As a novelty, this proposition ought to be watched with jealousy. It appeared to him to be impossible to execute it, without much mischief. If the compensation were to be made out of the county rate, it might prove a great discouragement to prosecutions, or in the event of a trial, that circumstance might operate on some minds against the accused. He should vote against the bringing in of the bill.

Sir *Samuel Romilly* declared his surprise that his hon. and learned friend should resist the introduction of a bill, of the provisions of which he must necessarily be ignorant. With respect to the proposition being a novelty, it was to be regretted that there had not been more novelties of a similar description.

Mr. *Leycester* said a few words, in the course of which he expressed a wish, that his hon. and learned friend would withdraw his opposition to the introduction of the bill.

The *Solicitor General* acquiesced.

Mr. *Croker* entered his protest against being thought favourable to the principle of the bill, because he did not oppose its introduction.

Mr. *Curwen* approved of the measure.

Sir *F. Burdett* would certainly not oppose the bringing in of the bill.

The *Chancellor of the Exchequer* also declared that he would not resist the introduction of the bill, although he wished that the hon. and learned baronet had stated more fully the grounds on which he proposed it, and the provisions which he meant that it should comprise. He was of opinion that the remedy proposed would be more injurious than the evil complained of.

Mr. *Fuller* was afraid that by the introduction of such complicated arrangements, people would be so puzzled that they would not understand the law at all.

Mr. *Shaw Lefevre* applauded the humanity of the hon. and learned baronet, but hoped he would pardon him for stating that county stock ought not to be touched except in extreme cases.

Mr. *W. Smith* defended his hon. and learned friend from the charge of innovation. As to the measure being a novelty, every improvement was a novelty.—Leave was then given to bring in the bill.

[LORD ELLENBOROUGH.] Mr. *Leycester*, adverting to the statement made on a recent evening by an hon. baronet (sir Francis Burdett) when he was not present, hoped the house would allow him to make some observations upon that statement. He trusted that they would the more readily agree to this, when they considered how much the character of the noble lord and of the country at large was implicated in that statement. He understood that the hon. baronet had been advised by the chair to postpone any further agitation of the subject, until the judgment of which he complained should be followed up by some legal proceeding. He was disposed to think that the house would hear no more of this business from the hon. baronet, in which case the imputations that had been cast on the conduct of the noble chief justice of the King's-bench, would remain unanswered, and——

Mr. *W. Smith* spoke to order. Unless the hon. gent. meant to conclude with some motion, his observations were very irregular.

Mr. *Leycester* was not prepared to make any motion; but as the hon. baronet had made his statement, he trusted they would allow him to make a counter statement, under the same circumstances. He was proceeding, when he was again called to order by

Mr. *W. Smith*, who observed, that unless the hon. gent. would move for some paper, such observations could only lead to disorderly discussion.

Mr. *Leycester* then stated, that he would conclude by moving for the production of an order of the court of king's bench, for the discharge of a rule moved for in that court for a new trial in the action brought by the high bailiff of Westminster against sir Francis Burdett.—On the suggestion of the Speaker, however, who intimated that it was usual to give a formal notice of such a motion, Mr. Leycester abstained from any further remarks, and gave notice, that he would move for the production of this paper to-morrow.

[SUGAR DISTILLATION.] Lord *Binning* was desirous of postponing his motion for taking into consideration the report of the committee on the distillation of spirits, until to-morrow, if an hon. gent. whose notice stood for to-morrow, would consent to put it off.

Mr. *W. Taylor* replied, that he had been that morning applied to, to postpone his motion to-morrow, relative to the Dardanelles, for the purpose of allowing the Local Militia bill to be proceeded with.

Considering the investigation of the subject of his motion as of the utmost importance to the character of the country, and having already frequently postponed it, he could not consent to postpone it any longer.

Mr. *Windham* reprobated this sort of hocus pocus. by which the house was kept ignorant of what business would come before it. If the arrangement that seemed to have been made was carried into effect, then it would happen that the gentlemen who came down that night to listen to a discussion on the distilleries, would find themselves engaged in a debate on the local militia; and that to-morrow, those who would come to debate the Local Militia bill, would be surprised at finding themselves in a distillery.

The *Chancellor of the Exchequer* denied that there was any thing more in this circumstance than what frequently occurred, namely, that when the first notice on the order book was not proceeded with, the next was taken in its stead.

Lord *H. Petty* observed, that some disappointment must certainly exist in consequence of the postponement of the noble lord's motion; the more so, as in giving the notice on Monday, the noble lord had declared that the motion would certainly come on this day. With respect to the motion which stood for to-morrow, it related to a subject, the investigation of which it was most desirable no longer to defer.

Mr. *Barham,* after an eulogium on the industry and talents displayed by the noble lord in the chair of the committee, observed that he had been given to understand that a disposition had been manifested in a certain quarter to bring the parties who now differed so widely, nearer to each other in opinion. He thought, therefore, that the house would consult its own convenience, by allowing an opportunity for any arrangement to be made upon this subject.

Mr. *Coke* was proceeding to state his objection to the report, when he was called to order by

Mr. *Brodrick,* who observed, that the subject before the house was merely the time at which the report should be discussed.

Lord *Binning* said, if a right hon. gent. would postpone the Dublin police bill from Friday, he would willingly bring his motion on that day.

Mr. *H. Lascelles*, if any thing like an accommodation was in view, of which he declared himself perfectly ignorant, thought that Friday would be a better day than to-morrow.

Mr. *C. Wynne* lamented that the noble lord had not determined upon this postponement last night. Had he done so, the discussion of the Local Militia bill would not have been brought on so unexpectedly, and in the absence of several gentlemen who were anxious to deliver their sentiments upon it.

Mr. *Curwen* was of opinion, that the state of the country might be such, with relation to other powers, as to render it a precedent to adopt the recommendation of the committee.

Mr. *Thornton* requested that the discussion might be postponed till Monday, as his colleague and he would have an opportunity before that day of learning the sentiments of their constituents. A public meeting in the county of Surrey would be held on Saturday, and he should be sorry that the debate should come on before that time.—After some further conversation, in which sir J. Seabright, sir S. Romilly, lord Binning, Mr. Whitbread, Mr. Barham, Mr. W. Taylor, sir A. Wellesley, and Mr. Windham, participated, it was agreed that lord Binning's notice should stand for to-morrow, and Mr. W. Taylor's for Friday.

[LOCAL MILITIA BILL.] Lord Castlereagh moved the order of the day for the house resolving itself into a committee on the Local Militia Bill.

Lord *Milton,* in the absence of some hon. friends of his, felt it his duty to impress upon the house the necessity of postponing the further proceedings on this bill till next Friday. There was a very general feeling entertained, that the question on the distilleries, which had the precedence for discussion, would have prevented the order, which referred to the Local Militia, from being moved, at least at so early an hour of the night. Under that impression, and knowing that it was the intention of some friends of his to submit certain amendments and clauses in the committee, he should certainly move the postponement of the order till next Friday.

Lord *Castlereagh* pressed the house to proceed; and contended that there were future opportunities for those members, who were then unfortunately absent, to submit their opinions to the consideration of the house. Indeed, he did not expect a fuller house on the Local Militia Bill than he then saw.

Mr. *Windham* said, that notwithstanding the easy, self-satisfied way in which the noble lord expressed himself, he should have recollected that if the house was full, it was filled by gentlemen who came down to the discussion of another business, which had been positively fixed for that night. A measure stood for that night, on which a great deal of discussion was expected. Without any reason assigned, save an undefined assertion of convenience, it was postponed. The result was, that another measure, which was not expected to come on, was pressed before the house; and when causes were stated to postpone it, the noble lord replied, that the motion was unnecessary, because, after the details were gone through, there were other opportunities for the discussion of their merits. The question, however, turned upon this consideration, that by agreeing to the amendment moved by his noble friend, the only inconvenience which was likely to result was, that hon. members would have another day to attend their duty in that house, whereas if the house then proceeded, no future opportunity would be offered to them to state their objections.—The house then divided: Ayes 81; Noes 37. Majority 44.

On readmission into the gallery, we found the house in a committee, and in a discussion upon that clause, which determines the ages between which individuals are liable to the ballot.

Sir *James Hall* thought that the period of eighteen was certainly the fittest time for young men to commence military service, and that every year after they became less and less fit. He was of opinion that if the ballot was confined to young men between eighteen and nineteen, a sufficient number would be found to answer the purposes required, without carrying the ballot to men of more advanced years. He thought the age of thirty-five much too far advanced.

Lord *Castlereagh* admitted, that in some counties the principle of the hon. baronet might answer, and produce even more men than were wanted for the particular district, but in many others it would not at all produce the number required, and the age must be extended.

Sir *James Montgomery* thought the range of years stated in the clause too extensive, as it would give a greater number of men than were required.

Lord *Castlereagh* answered, that the numbers were calculated by the population of each county; and a narrower limitation would not give the number of men required.

Sir *James Montgomery* observed, that last year's Militia Bill excepted numbers on the ground of being volunteers; but in this bill, every county was ordered to find its quota, without any regard to the number of its volunteers. Neither was any exception proposed on account of the number of a man's children, however great; and in this respect he thought that carrying the ballot so high as thirty-five years of age, would be extremely oppressive to numbers of poor men with large families depending on their industry. He therefore suggested an exception in favour of men having more than three children; and he also thought the hardship much greater on men after thirty than before; more especially a poor shop-keeper, or any man settled in life, of small capital, whose income did not exceed 100*l.* a year, who must in this case be driven to the necessity of serving to the ruin of his business, or paying a fine equal to one-fifth of his income, besides his liability to the income tax, which was already intolerable.

Sir *W. W. Wynne* thought that by making the term from eighteen to thirty, about one in five would be drawn for service in the county where he lived; but the clause as it stood would take two out of three of the male population.

Lord *Castlereagh* said, that the committee, on considering the measure maturely, would find that it would on no account be so oppressive as seemed to be apprehended. To the working manufacturer who could earn six shillings a day, undoubtedly the service would be objectionable. But it would be no great oppression upon the head of a family to be obliged, during a period of four years, to devote one month in each to make himself serviceable to his country; and with respect to the burthen apprehended by parishes for allowances to the families of poor men during their absence on service, it was groundless, as such allowance was to be reimbursed by the paymaster-general. As a measure of national expence, he had now reason to believe it would not be nearly so expensive as he at first imagined, from the number of volunteers who were coming forward in every part of the country. It was only in counties where volunteers did not come forward in sufficient numbers, that the ballot was to be adopted at all; and as to the alteration proposed, he had no objection to accede to this amendment, and substitute the age of thirty, in the place of thirty-five, the service to commence from the age of eighteen, provided it was agreed to extend the period of volunteer service to forty years of age.—The proposition was agreed to, and the amendment made accordingly.

Sir *John Cox Hippisley* called the attention of the house to the operation this bill would have on those young men at Eton, Winchester, Westminster, and other places, who were educated with a view to holy orders. The resident members of universities were already exempted, and in the same spirit the exemption ought to be extended to persons of the description just mentioned. The fine, he understood, was to exempt only for two years, and persons who could not possibly enter into the militia might be liable to pay it three times in all. He also adverted to the situation in which young Roman Catholics would stand; especially such as were educated for holy orders. If they were liable to serve at all, of which there were doubts, they would be subject to the Mutiny Act and the articles of war, which commanded the marching to church, &c. Their situation was quite different from such of the Roman Catholics as enlisted voluntarily. He therefore moved an amendment, exempting young men engaged, *bona fide,* in education for holy orders in any seminary public or private, with the masters, &c.

Lord *Castlereagh* did not object to the principle, but, if admitted, it would open a door to the most enormous abuses, and the mischief which would thus result from allowing the exemptions would far overbalance any inconvenience that could arise from leaving the matter as it stood. With regard to young men educated for Roman Catholics, it was but fair, that they should at least contribute to the public service by fine, as the Quakers did, whose religious principles prevented their giving personal service. His lordship also observed, that the pressure here was much less than that of the regular militia service.

Mr. *Windham* thought the amendment of the hon. baronet well worthy of serious consideration. But leaving that, he called the attention of the noble lord to the difference between this and other services, especially that proposed by the Training bill, by which the people were not to be incorporated nor subjected to any inconvenience that could render exemptions almost in any case of much consequence. Yet the teachers of schools had been there exempted. And as to the regular militia, the expence of a substitute might be much greater than 10*l.* but the noble lord must recollect, that by insurance that was reduced to very little, and here no insurance was allowed against the fines, so that this bill must stand on its own merits, without reference to other services.

Mr. *W. Smith* adverted to the exemptions which were allowed to dissenting clergymen, which, in this bill, was qualified by the words, 'and not carrying on any other trade.' He admitted that many frauds had been committed by persons who got exempted by pretending to be dissenting clergymen. But there was a numerous sect called Baptists, whose teachers had in many instances, so little salary, that they became booksellers or stationers, being, however, really clergymen. The operation of these words would be peculiarly hard on them, and he would propose an amendment to remedy this inconvenience on the Report.

Lord *Castlereagh* objected, that nothing was more usual than for masons, bricklayers, and other handicraftmen, to set up for spiritual teachers, and hence a clause like that wished to be introduced, would most erroneously include these unworthy objects within its provision.

After a few words from lord H. Petty, sir J. C. Hippisley and Mr. Lee Keck, the amendment was negatived without a division.

Mr. *Calcraft* adverted to the clause, refusing exemption to apprentices, and contended that this was most injurious to the young men themselves, as they would be taken from their employments, the knowledge of which they might not have sufficiently acquired, and fall into habits inconsistent with their occupations, while the masters would be most seriously injured in their property, the young men being taken from them at the age when they would be of most use to them. It was known that the permanent duty of the volunteers did much harm in this way.

Lord *Castlereagh* observed, that as the master would probably not come within the age fixed by the bill, it would be no great hardship on him to have his apprentice called out, particularly as the twenty-eight days service was not intended to be successive, and as the apprentice in no instance was to be permitted, during the continuance of his indentures, to enlist in the line.

Mr. *Calcraft* persisted in taking the sense of the house.—After some further conversation, strangers were ordered to withdraw, but no division took place.

Mr. *C. Wynne* adverted to the words in the same clause, that 'no poor man who has more than one child' should be exempted from this service, though exempt from the regular militia; and proposed, in order to make the thing more precise and intelligible, to leave out the words 'more than one child,' and substitute 'less than three children.' This was agreed to.

Mr. Spencer Stanhope and Mr. Vansittart objected to the scale of gradation in the imposition of fines.

Lord *Castlereagh* observed upon the necessity of proportioning the fines to the conditions of the different orders of the community: those belonging to what may be called the smaller gentry, would be induced to serve by a fine that would be sufficient to compel persons of an inferior description.

Mr. *Windham* ridiculed the idea of compelling the small gentry to live for 28 days the life of a common soldier, herding with the lowest dregs of society, by a penalty of 30*l.*

On the clause which states, that persons claiming exemption upon the payment of fines, are to swear that they have not insured themselves against such fines, or any part thereof, a long discussion took place. Mr. Windham, seeing that the committee was not likely to come to a determination speedily upon that point, the bill not being half gone through with, and it being then late in the night (about 12 o'clock), proposed that the debate should be adjourned, in order that gentlemen might come to the discussion with their faculties more alert than they could be supposed to be at that time; and that several gentlemen, who were absent, from an idea that the debate would not be brought forward that night, might have a fair understanding of the time of its being discussed. In this proposition, he was supported by lord Milton, sir G. Warrender, Mr. W. Wynne, and Mr. Tierney.

Lord Castlereagh, the Chancellor of the Exchequer, and some other members, urged the expediency of proceeding as far as possible that night. The gallery was then cleared for a division, but the further discussion of the clause was postponed, and the committee proceeded to consider of some of the following clauses. It was fixed that volunteers may be enrolled between the ages of 18 and 40. The clause directing that the sum of 2 guineas should be paid to each volunteer, by the parish in which he is enrolled, gave rise to a very lengthened conversation; and, without coming to a determination on that point, the house resumed, the chairman reported progress, and obtained leave to sit again to-morrow.

[PETITIONS RESPECTING DISTILLATION FROM SUGAR.] A Petition of several of the owners and occupiers of land on or near the South Downs, in the county of Sussex, was also presented to the house, and read; setting forth, "That the petitioners have understood, with the greatest concern, that it has been recommended, by a Report from a Select Committee of the house, that the use of grain in the Distilleries of G. Britain, should be suspended for one year from the 1st day of July 1808; and the petitioners beg leave to represent, that, in their opinion, the adoption of such a measure must be highly injurious to the general agricultural interests of G. Britain and particularly so to the growers of barley in that and the neighbouring districts; and that the petitioners most cheerfully concur in the propriety of affording relief, whenever it may be deemed expedient by the house, to their fellow subjects resident or interested in the colonies; but they feel it to be their duty to represent, with great deference, the impropriety of granting such relief to any one body of their fellow subjects at the expence of the landed interest solely, and more especially as the growth of barley has been much diminished by the high duties on malt; and that the agriculture of the country, and the course of crops, have been formed and arranged with the confidence that they would not be disturbed by any measures which may have a tendency to check the general spirit of improved cultivation; and the petition cannot therefore but observe with the most serious alarm the sanction of parliament applied for to a measure which may found a precedent of the most dangerous nature, by rendering the agriculture of the country, in any of its branches, subservient to temporary or local expedients; and that the petitioners in particular apprehend, that the prospect held out to the growers of barley of a demand for the purpose of the distilleries, in addition to the other usual markets for this species of grain, has operated greatly towards securing to the country a sufficient supply of that article even under the circumstances of unfavourable seasons; and that the discouragement to cultivation, which would arise from the adoption of measures like the present, would tend, in case of the recurrence of such circumstances, to distress greatly the other consumers, and especially those interested in the breweries, which would also occasion a material defalcation in the public revenue; and that the growth of barley in that and the neighbouring districts is carried on to a great extent, and principally upon land which is not capable of being cultivated to so great advantage in any other manner, and that therefore any depreciation in the price of that article will be peculiarly and permanently injurious to the petitioners and others in the same situation; and therefore praying the house, to take their case into consideration, and not permit a measure, involving a principle so dangerous in its nature, and so injurious to the interests of the petitioners, and of the country in general, to pass into a law."—Ordered to lie upon the table.

A Petition of the justices of the peace, commissioners of supply, magistrates of towns, merchants, and manufacturers, in the county of Renfrew, was presented to the house, and read; setting forth, That the petitioners, with every wish and attention to afford encouragement to agriculture, consider it their duty to promote, by every means in their power, such measures as may tend to supply the labouring and manufacturing classes in that populous county with an adequate quantity of food; and that the grain produced in G. Britain, during years of ordinary crops, is wholly inadequate to supply the population of this kingdom with food, and the quantity required to make up the deficiency has been imported from foreign countries; and that the grain produced in the county of Renfrew can only afford a supply to its inhabitants for a few months in the year; and that the best mode of counteracting the bad consequences likely to arise from the difficulty of obtaining any importation of grain from the continent of Europe, and the United States of America, would be to prohibit the use of corn in distillation for a limited time, which would bring into the market a considerable quantity of food in aid of the deficiency occasioned by the peculiar situation in which this country is placed with regard to foreign powers; and that the price of oatmeal, which constitutes the principal food of the lower orders of the people in Scotland, is at present much higher than in former years, and is still increasing, while a considerable quantity of oats is consumed by the distillers in that part of the country, the use of which, in distillation, the petitioners are of opinion, should be prohibited, upon the same principles as the use of wheat is prohibited by act of parliament; and that no importation of grain can be expected from Ireland, which usually supplies the West of Scotland to a great amount, from the scarcity and enormous price of corn in that part of the united empire; and that the petitioners highly approve of the discretionary power proposed to be vested in the king in council, to do away the suspension upon a sufficient notice, and allow the Distillers to carry on their trade in the accustomed manner; and therefore praying, that the house would pass an act to suspend the use of grain in the distilleries, for a limited time, subject to a discretionary power to be vested in the king in council to do away the suspension, and allow the distillers to carry on their trade in the accustomed manner.—Ordered to lie upon the table.

HOUSE OF LORDS.

Thursday, May 19.

[Marriage Indemnity Bill.] The Bishop of *Exeter* moved the second reading of the bill for rendering valid Marriages which had been solemnized in certain churches and chapels, without a publication of the banns.

The *Lord Chancellor* could not omit this occasion of expressing his regret at the frequent introduction of bills of this description.

The Bishop of *Exeter* acquiesced in the justness of the noble and learned lord's observation, and hoped that the introduction of such bills would cease.

The Earl of *Lauderdale* considered the bill as of very great importance, inasmuch as it shewed the numerous inconveniences that arose from the Marriage Act. As the noble and learned lord seemed resolved to turn his attention to these inconveniencies, he would perhaps discover how far it might be expedient to repeal the Marriage Act, or so far to new model its provisions as to prevent the necessity of such frequent suspensions of it.

Lord *Holland* concurred in this opinion. He wished even the legislature would take a more wide and liberal view of the Marriage Act, and some other acts, such as the Corporation and Test Acts, which proved such hardships to so many large descriptions of his majesty's subjects. Surely that act could not be practically wise and useful which justified a recurrence to so many suspensions of it.

The *Lord Chancellor* said he must have been grossly mis-understood, if it was supposed he could entertain any intention of moving the repeal of any of these acts; on the contrary an occasion was likely soon to occur when he should declare his opinion of the necessity of retaining them.

Lord *Redesdale* would never sit silent and hear the declarations that were made by some noble lords. As he deeply and sincerely revered the Marriage Act, and as he felt the great importance of a strict observance of it, so should he always be ready to raise his voice against the opinion of those to whom nothing in the constitution appeared sacred, and who avowed tne design of proposing the repeal of the Marriage Act, and other acts equally essential to the safety of the state, and to the well being and peace of the community. Those who harboured such designs, could not mean well to their country.

Earl *Stanhope* called to order. He felt much respect for the noble and learned lord, but he never would allow him or any noble lord to impute motives to noble lords as influencing the opinions they delivered in that house.

Lord *Redesdale* did not conceive himself to be disorderly. He did not think that any noble lord without moving for the repeal of an act of the legislature had a right to enter into arguments that treated it with disrespect.

The Earl of *Lauderdale* called the noble and learned lord to order, and reprobated the narrowness and illiberality of his opinions, which were now held odious in every part of the country, and which he was certain would prove as mischievous as they were odious.

Lord *Ellenborough* contended that his noble and learned friend was strictly in order, and that his observations grew out of the bill before the house.

Lord *Redesdale* then went on, and contended that he did not conceive he had made any unparliamentary remarks: on the contrary, he thought this had been done by the two noble lords who had introduced a subject that was not before the house. He was more and more convinced of the necessity of the act, in serving as a barrier to confusion in the order of succession to property, and that we should not follow the example of a neighbouring country, whose laxity in that respect was of a pernicious tendency.

The Earl of *Lauderdale* conceived thc noble lord as most illiberal in his observations on this and other discussions of a like nature, and was convinced there was not one noble lord within the four corners of the house, who did not think so.

Lord *Holland* considered the language used by the noble lord as most unparliamentary, and tending to prevent the freedom of debate. The question had been naturally introduced by the motion for reading the bill, which proposed an indemnity to persons who had offended against the Marriage act. Besides, he protested against the doctrine that no law was to be amended, nor any new one introduced, without subjecting the person so introducing the measure to the imputation of acting with evil designs against the constitution. If such doctrine was once introduced, the liberty of speech would be destroyed, and some noble lords would perhaps be intimidated from doing their duty.—The bill was then read a second time.

[INDICTMENT BILL.] Earl *Stanhope* moved the order of the day for the second reading of the Indictment Bill; which being read, the noble lord said that this bill was one of the most important, and he believed, at the same time, it was one of the most mischievous tendency that ever came before the house, and not having been able to learn from whence it sprung, he would state its contents. Their lordships would be astonished to hear, that the commons had transmitted them a bill for their consideration which went the length of almost entirely annihilating the Trial by Jury in criminal cases. He had enquired whence and from whom the bill originated, but found it had been smuggled through the house of commons; for many members, of whom he had enquired about it, declared they had never heard of it. Formerly, it was the practice of that house that all bills which went to the alteration of the established law, or any part of the constitution, were obliged to originate in a committee of the whole house, and then every one had notice of what was intended; but now that wholesome practice was become a dead letter. He trusted, however, their lordships would act according to the constitution of the country, according to the common law of the land; for, in his opinion, that man who would act so as to bring in a bill which militated against every principle of the common law, must be actuated by the very quintessence of human folly. The first clause went to enact, "That every person prosecuted for any offence should be compelled to give bail in such sum as in the warrant should be expressed; and if such person should refuse, or not be able to procure such bail, he should be committed to the gaol of the county; and service of the different proceedings on the gaoler or turnkey, should be good, and judgment be given against such person, as if the process had been served upon himself."—So that a man might be tried without being present, which was directly contrary to the oath of the jurymen, which run thus: 'You shall well and truly try, and true deliverance make between our sovereign lord the king and the prisoner at the bar.'

Lord *Ellenborough* observed that this oath did not apply to the trial of misdemeanors, and that in ninety-nine cases of misdemeanor out of a hundred, in the court of king's bench, the defendants were not present at their trials.

Earl *Stanhope* resumed and observed, that the noble and learned lord on the woolsack, only made parentheses in his own speeches, but the noble and learned lord who had just sat down made parentheses in the speeches of other persons.

Lord *Ellenborough* said he considered himself as appealed to by the noble earl.

Earl *Stanhope* continued his argument. Would the noble lord say that it was consonant to the constitution, or to the common law of the land, that a person ought to be imprisoned for a misdemeanor, before he was found guilty of the slightest offence, and that he should be kept a prisoner till the trial, which his prosecutor might delay as long as he pleased? It was a great hardship in the law that a man should be kept in prison on suspicion. Suppose he could prove an alibi, how was he to do it when in prison? He might know where the persons to prove it were to be met with, but not know their names, so as to enable others to come at them for the purpose of his acquittal: and the learned lord who was so fond of parentheses in other men's speeches, well knew that a man not guilty of any crime, might be imprisoned for more months than the judges might punish with days another person who was found guilty.—What was the enactment of Magna Charta? It was 'that no freeman should be taken or imprisoned but by the lawful judgment of his peers, or by the law of the land.' He should be glad to know from the chief justice of the king's bench, if an information, filed *ex officio* by the attorney-general, was a judgment of a man's peers, or of the law of the land? To require bail, in all cases of informations *ex officio*, would be to make a law which fell heavily only on the poor, who were seldom able to find bail, and then, though ever so innocent, they must suffer imprisonment, perhaps to an indefinite length of time. The rich could always procure bail, so that it would but little affect them, which would be making a most invidious distinction between the two orders of persons; whereas the house ought to watch carefully over the rights and liberties of the poor, to give them all the advantages of the law, and to amalgamate as much as possible the difference and distinctions which fortune had placed between them.—The noble earl adverted to a story of two link-boys, who were taken up for uttering a libel, in the days of Wilkes and Liberty: one of them, called Jack, who could not read, handed it to the other, named Will, and begged he would read it to him; in the act of doing which, the beadle took them both up, and carried them before the magistrate. Jack pleaded that he, not being able to read, had only desired the other to do it for him. 'What are you?' said the magistrate. 'Please your honour,' answered Jack, 'I am an anti-ministerial writer.' 'What!' said the magistrate, 'how can you be a writer on either side, if you can't read?' 'Oh, your honour,' replied Jack, 'I chalks 45 on the lords' coaches.' Such a poor anti-ministerial libeller as Jack, might, by an information *ex officio* under this bill, be imprisoned for want of bail to the end of his days. Under all the circumstances, considering one part of the bill to be unnecessary, and the other highly objectionable, he moved that the said bill be rejected.

Lord *Holland* rose, and observed, that he had expected some noble lord who supported the bill would have attempted to shew its necessity. He had conceived that the noble and learned lord (Ellenborough) had intended to do so, and he was ready to give way to hear such necessity shewn. He considered the bill as an innovation upon the sound and wholesome principles of the common law. The principle of part of the bill, with respect to requiring bail, was first adopted in the 26th of his present majesty, in a revenue act, and it was found so injurious, that a bill was brought in, in the 38th, to remedy the evil, it being found that many persons had remained in gaol for a considerable time without the means of bringing on their trials. He deprecated the principle of applying to other cases enactments found necessary for the better collection of the revenue, and still more as it was merely stated in the preamble to this bill as a reason for its enactment, that it had been found convenient. Was this a reason for altering the law generally? With respect to the process upon indictment and information, where was the necessity shewn for such an alteration? This bill besides went to require bail equally upon an indictment presented by twelve sworn men, upon an information granted by the court of king's bench, and upon an information filed *ex officio* by the attorney-general. This was an innovation which he thought pregnant with the most injurious consequences; nor could he for a moment consent that a power of holding to bail should exist upon the mere filing of an information by the attorney-general. His lordship quoted some legal authorities for the purpose of proving the ancient practice of the constitution, contended that by this bill a man might be tried in his absence and without his knowledge, and called upon those who resisted a bill which they conceived to be an innovation upon the prerogative, to resist a bill which was an innovation upon the constitution. If no innovation was to be suffered in the one case, none ought to be allowed in the other, at least without proving some strong necessity.

Lord *Ellenborough* contended, that considerable misconception had taken place with respect to this bill, which did not alter the law as it now stood, or at least very slightly, but merely defined more accurately the course to be pursued. As the law at present stood, it was well known that persons might be held to bail not merely upon indictment, but by any justice of the peace, upon a charge of misdemeanor. With respect to informations filed *ex officio*, by the attorney-general, he was a sworn officer: he never filed such informations without previous affidavits to substantiate the charge; and when an information was filed by the attorney-general, it was a presentment upon oath, as much as that of a grand jury. He did not see, therefore, that any injury was to result from holding to bail upon such informations. With respect to indictment and information, it should be recollected that a person accused had much better means of justifying himself in the latter case than in the former. Before a grand jury the evidence was *ex parte*, and the proceedings secret. A person accused had no means of punishing another for a false accusation before a grand jury, nor could he indict a witness who had given evidence before a grand jury for perjury; in the case of an information granted by the court of king's bench, the accused must be served personally with the rule to shew cause, which was only granted on affidavit; he might then file affidavits, shew cause, and have all the advantage of the argument of counsel. Information filed *ex officio* by the attorney-general being grounded on affidavit, a party falsely accused might indict the person making such affidavit for perjury. He thought the provisions of the bill were humanely adapted to give relief to the prisoner. As to his being tried in his absence, that was out of the question: persons tried for misdemeanors in the court of king's bench, were scarcely ever present at their trials. This bill would also prevent a person sent to prison for want of bail, from remaining there, as it might happen for years, without the means of bringing on his trial; another provision in his favour was, that the judge who tried him, although not a judge of the king's bench, might discharge him if acquitted. He considered the bill, therefore, as favourable to persons in the situation alluded to, instead of at all tending to make their condition worse.

Lord *Erskine* condemned the principle of extending regulations made with an immediate view to the collection of the revenue, to other cases. With respect to the bill, he admitted there was nothing in it affecting the Trial by Jury, as supposed by the noble earl (Stanhope), and that the objection of trying a man in his absence did not apply to it. He contended, however, that the bill did make an alteration in the law as it now stood, and for which no necessity had been shewn; namely, in holding to bail upon informations filed *ex officio* by the attorney-general. These informations, it had been said, were filed upon affidavit; but the attorney-general was not compelled to file them upon affidavit, he might file them without any affidavit. It was not to be supposed for a moment that his learned friend, the present attorney-general, would do any act that was in the slightest degree improper; but he objected generally, to the principle of holding to bail upon informations filed by the attorney-general, which might or might not be founded upon affidavit, and thereby giving to the attorney-general the power of a grand jury. No necessity had been shewn for this bill, and he thought it much better that the law should stand as it did, than that they should run the risk of exciting discontent or dissatisfaction by altering it, and by giving power of holding to bail in slight offences, in libels, and constructive breaches of the peace, which might, at some period or other, be used oppressively against the subject.

The *Lord Chancellor* contended that the only question at present was, whether there was so much good in this bill as to authorise its being sent to a committee. He thought there was. With respect to informations filed *ex officio* by the attorney-general, it was fitting that it should be stated, that although he might not be compelled to receive affidavits previous to filing such information, in substance it was so, no information of that nature being filed except upon affidavits; and with respect to the informations of that kind filed by him when he held the office of attorney-general, the parties might have been held to bail by a magistrate upon the affidavits. He thought the provisions of the bill were favourable to persons sent to prison for want of bail, in preventing the necessity of their remaining there for a considerable time without the means of release, and that with some alteration in the committee, it might be rendered unobjectionable.

Earl *Stanhope* was glad that some alteration was to be made in the bill, as in that case it would be sent back to the commons. His lordship proceeded to shew the absurdity of contending, that because judges were sometimes honest men, or attorney-generals persons who could be trusted, therefore extraordinary powers should be vested in their hands. Were he to attempt to drive such a doctrine down the throat of the noble and learned lord, he was convinced he could not say Amen to it. Judges and attorney-generals were like other men, and he should give a specimen of them for the edification of the learned lord, who seemed to have forgotten of what sort of characters they were at times composed. His lordship then alluded to the opinion of the Judges, when consulted by Charles the First, as to his right to exact Ship-money, by which they declared that he had such right, and that he himself was the only judge of it; also to the answer of the judges in Charles the Second's reign, who declared it to be unlawful to publish any argument against government. His lordship next alluded to a case decided some years ago, in which the learned lord on the woolsack had laid down what he esteemed to be true law, that the decisions of the judges were to be regulated not by precedents, but by the written law of the land. This case he did not allude to from memory: he had seen it within these few days as it came from the short-hand writer. This the noble and learned lord might not esteem evidence; but he certainly would do so, when he informed him that it was sanctioned by corrections made in the hand writing of the learned lord himself. This his lordship esteemed sufficient to found him in maintaining that it was to the law of the land, and not to the opinion of the judges, that we were to look for protection.

The Earl of *Lauderdale* enforced the inapplicability of revenue statutes to the common law of the country, and argued, that the advantages felt in carrying these revenue statutes into execution, would by no means enable us to judge how far similar or equal good was to be expected from an extension of the system. If we were once to embrace this doctrine, we might expect to see the facilities afforded by the Income tax, which was a revenue statute, sought to be extended to the effect of forcing persons, at all times, to make a disclosure of their property, on the pretence that thereby bankruptcies might be diminished. Many other provisions of an equally dangerous nature might be grounded on the principle here laid down, which, on the whole, had his most decided opposition.

Lord *Holland* confessed that some of his objections had been removed by his noble friend (lord Ellenborough) and by the noble lord on the woolsack, but still he continued so decidedly hostile to the preamble, and to the general principle of the measure, that he could not vote for the second reading of the bill.

The house then divided on the second reading: Contents 17; Not-contents 7. Majority 10.

HOUSE OF COMMONS.

Thursday, May 19.

[PARISH SETTLEMENT BILL.] The order of the day for the second reading of the Parish Settlement bill being read,

Colonel *Stanley* stated the object of this bill, which was to prevent any settlement being gained by renting any dwelling under the value of 20*l.* instead of 10*l.*; or by purchase, under the value of 100*l.* instead of 30*l.* The next object of the bill was to pass Irish and Scotch paupers to their respective parishes.

Mr. *Curwen* objected to the whole bill, as oppressive and injurious in its operation, and tending to increase the burthens upon parishes, already too great. With respect to passing Irish and Scotch paupers to their respective parishes, he thought it would be an act of great cruelty and injustice. He considered the encouragement of Friendly Societies as the best mode of reducing the poors rates, and therefore recommended them to the consideration of government. He concluded by moving, that the bill be read a second time this day six months.

Mr. *Lockhart* thought, that as a measure for the regulation of the Poor Laws, the house might entertain this bill, although he had some objections to make to some of the clauses intended to be enacted by it. With respect to the clause empowering the removal of Irish and Scotch paupers, he thought the house could not entertain it for one moment; it would be too much to say, that a man, after a long, laborious, and industrious life, should be turned over from the parish which had been the scene of that life, to a place where no provision whatever was made for him.

Mr. *Davies Giddy* was of opinion, that the whole of the poor laws should be repealed, but that as the present bill might be attended with partially beneficial effects, it ought to be suffered to go to a committee.

Mr. *Horner* strongly objected to the bill, as completely and fundamentally altering the whole law of settlements; occupation or payment of rent was not required; it was enough that the pauper had a mere title to possession. He objected to the bill, not merely because it would introduce new litigation and expence, but as condemning as vagrants and criminals, persons who might be legally entitled to a settlement, and placing them in a situation in which they could have no redress.

Sir *S. Romilly* considered the bill highly objectionable, as increasing the difficulty of procuring settlements, which on the contrary, in the opinion of Judge Blackstone, lord Mansfield, and all other wise and great men who had written on the subject, should be made as easy as possible. It was the interest of every parish to relieve itself of a small burthen, and put a large one upon another; for, when a man with his family was removed from one parish to another, it was not a mere temporary burthen, but ultimately a continual burthen upon such parish. The most beneficial effects, in his opinion, would arise by facilitating the power of acquiring a settlement; and he thought, were a six months residence to entitle a pauper to a settlement, it would be attended with the most beneficial effects, not only in lessening the poors' rates, but relieving the subject from the greatest oppression. As to removing Irish and Scotch paupers, in most instances it would be sending them to a place where they were altogether strangers, and they would be burthensome paupers, when they otherwise might become useful members of society.

Mr. *Graham* supported the bill.

Mr. *Whitbread* was happy to find this measure objected to as it was, as he had troubled the house on a former occasion, and never heard any one support the law of settlement as it at present existed. He had laboured to carry into effect some measures of the kind, and the opinions he had heard this day would encourage him to further exertions. As to sending Irish and Scotch paupers to their parishes, he thought it highly objectionable, and if passed into a law, would be attended with the most grievous consequences: in Ireland, where there were no poor laws, the oppression would be excessive.—After a few further observations by general Mathew, Mr. Croker, and sir R. Peele, colonel Stanley declared, that he felt it his duty to take the sense of the house upon the bill. A division then took place, when there appeared; For the second reading 11; Against it 114. Majority against the bill 103.

[EAST INDIA PAPERS.] The East India Papers which were ordered to be produced were laid upon the table.

Mr. R. Dundas hoped, if it was in the contemplation of any hon. gent. to move that they should be printed, that he would give proper notice of his intention.

Sir *J. Anstruther* stated, that the papers moved for on the affairs of India consisted of no less than 5800 folio pages, and that the printing of them would cost 12,000*l.*

Mr. *Bankes* said, that the expence of printing papers was a growing evil which ought to be corrected, as it amounted now to no less a sum than 90,000*l.* a year. He hoped that it would be left to a committee to make a selection of such as it might be thought expedient to print.

Mr. *Whitbread* protested against the doctrine, that the members of the house of commons should be debarred from information, because this could not be communicated without incurring a certain expence. Was there any man, for instance, who would regret the expence which had been incurred, in printing the papers relative to the transactions in the Carnatic? He admitted, that on the present occasion, it might not be necessary to print the voluminous mass of papers now upon the table; still, however, he thought that it would be better even to expend 10,000*l.* in having them printed, than to assent to the proposition of the hon. gent. who had just sat down, of entrusting a special committee with the power of selecting such as they might think proper to print; a proceeding which was contrary to all parliamentary usage, and from which very bad consequences might result.—The Papers were then ordered to lie upon the table.

[THE WAGES OF JOURNEYMEN COTTON WEAVERS.] Mr. *Rose* rose to move for leave to bring in a bill, to limit the excessive depression of the Wages of persons employed in the weaving of Cotton. He was induced to this step, not from a conviction of the propriety of fixing the minimum of wages, but in compliance with the wishes of a numerous and respectable class of persons who were now suffering peculiar hardships, and who were at the same time supporting them with a patience and resolution which did them credit. The measure was proposed with the consent of the masters as well as of the journeymen, and he was sure that the house would be anxious to grant them every possible relief.

Mr. *Patteson* asked, whether it was meant that the operation of the bill should be general, or that it should be confined to those places where the weavers had petitioned for relief?

Mr. *Rose* replied, that it was intended that its operation should be limited to those places from whence the petitions had been received.

Mr. *Davies Giddy* declared his opinion that the bill for which the right hon. gent. had moved, would, if carried into a law, have the most mischievous tendency, not only to the Cotton manufacturers, but to the persons for whose relief it was intended. Much of the distress that was at present felt by the Cotton Weavers, he conceived to arise, not from the wages being too low, but because at one time they were too high, a circumstance which induced more people to adopt this trade than there was a demand for, or than it could support; and were a minimum of wages now to be fixed, he was afraid that it would prove an inducement to ignorant persons to bring up their children in this line, and still further to overstock the market. He should be most happy could any other mode be devised of granting relief to the sufferers, but the one now proposed he considered so objectionable, that even in this early stage of the business, he was resolved to take the sense of the house upon it.

Mr. *Horner* agreed with almost every thing which had been said by the hon. gent. who had just sat down. But, however strong his conviction was of the impropriety of the principle on which this measure was to be founded, he thought the application of such a numerous and deserving class of individuals merited every attention; and perhaps in discussing the remedy which had been proposed by the right hon. gent. one less objectionable might be discovered.

Lord *Milton* joined in opposing the bill, which had a direct tendency to ruin the manufactures, and to increase the distresses of those employed in them. For these distresses he felt as much as any man, but he thought the house ought to be extremely cautious in raising hopes which must infallibly end in disappointment. The inevitable consequence of the present measure, if carried into effect, would be, that the manufacturer would discharge a number of his workmen, by which they would be reduced to complete misery.

Sir *Robert Peele* disapproved highly of the principle of the measure, and was anxious to make it known, that this disapprobation was founded upon a true regard to the interest of the work-people themselves. The great cause of the distress at present felt, was not the oppression of the masters, but the shutting up of the foreign markets, and the fact was, that masters were now suffering from this cause still more than the men. As to what the hon. gent. had said respecting this application being countenanced by the masters, he was sure, if this was the case at all, it was only in a very limited degree, and that if the present measure was persevered in, they would soon have the cotton manufacturers at the bar craving the protection of the house. He hoped, therefore, that they would not permit the bill to be brought in from any sentiments of false compassion towards the men, for the inevitable result would be, that a great number of those whom they wished to relieve, would be discharged by their masters and thrown upon the parishes.

Mr. *Thompson* said, that before fixing the minimum of wages, the right hon. gent. who moved for leave to bring in the bill, ought to equalize the abilities of the workmen.

Mr. *Rose* explained, that it was his intention to have fixed the minimum of wages not for the time but the quantity of work done. He repeated, that he had been induced to propose the measure, not from a conviction of its propriety, but in compliance with the wishes of the cotton weavers, backed with the consent of their employers.

Mr. *Tierney* declared, that he should be as happy as any man, if some relief could be granted in a proper way to the persons employed in the cotton manufacture, but he never could accede to a measure which went to fix the minimum of wages.

The *Chancellor of the Exchequer* entirely agreed with those who thought that the house should manifest a disposition, which he was sure was universally felt, to accede, as far as a sense of duty would permit them, to the wishes of that numerous and respectable class of individuals whom his right hon. friend was anxious to relieve. He did not think that the present measure would be productive of advantage. The principle of the bill, which went to fix the minimum of wages, carried into operation, could do no good, and might do a great deal of harm. It would not have the effect of at all increasing the quantity of work, and it would diminish the number of persons employed in it, because only the best workmen would be retained. At the same time he was of opinion, that it was better that the cotton weavers should be disappointed after a discussion of the merits of their application in the house of commons, than by a refusal of his right hon. friend to submit it for consideration. This discussion the application had now undergone, and he hoped that those who made it would be convinced, that it failed not from any indifference to their sufferings, or any indisposition to relieve them; but from a persuasion that, by granting the object which they sought to obtain, they could do no good, and might do much harm.

Mr. *Rose* said, that after the manner in which the proposition had been received, he should not press it upon the house.

Mr. *A. Baring* expressed his satisfaction that the motion was withdrawn; but he could not omit this opportunity of stating his opinion, that the distress complained of arose from the suspension of foreign trade, which had taken place in consequence of the Orders in Council.

Mr. *Lascelles* observed, that had the right hon. gent. persisted in his measure for fixing the minimum of wages, there was no reason why the maximum also should not have been fixed. He reminded the right hon. gent. of the observation of a celebrated writer on political economy, 'that commerce in this country had continued to prosper, notwithstanding the existence of a Board of Trade,' and recommended it to him to allow it to take its own course.

[SUGAR DISTILLATION.] Lord *Binning* rose, pursuant to the notice he had given some time ago, to make a motion on the subject of the Distilleries. Previous to moving that the house should go into a committee, he would explain the nature of the Resolutions he meant to offer in that committee, and the nature and causes of the changes made in those resolutions since he had first announced them. The topics involved in the Report were important and momentous, and the highest authorities differed among themselves upon the principal points. The committee was appointed, in the first instance, to consider of the means of affording relief to the West India proprietors and merchants, and the order under which the committee assembled, directed the committee to inquire whether the most immediate and effectual means of relief would not be, to confine the Distilleries to the use of Sugar and Molasses alone. In the course of this inquiry, it became necessary to ascertain how far the agriculture of the country would be affected by such a restriction, and this investigation led to the knowledge of facts, which established the wisdom and necessity of the restriction, exclusive of all consideration whatsoever of the interests of the West India islands. It was impossible to separate the two questions; but this he would say, that neither he nor the committee could have recommended the Resolutions they had done, if the interests of the country, distinct from those of the West India proprietors, had not, in the opinion of the committee, rendered such measures necessary. The committee, finding that this country was generally dependent for a sufficient supply of corn and flour upon foreign countries, and that this supply was cut off in the present state of Europe, without any prospect of a sufficient resource in the last year's crop of this country, thought it right, as a precaution against famine, to stop the distillation from corn, with a view to a more ample and satisfactory supply of sustenance for the people. Here the noble lord went into a statement of the quantity of corn imported into G. Britain annually, and contended, that the saving by the prohibition of the distilleries, would be 470,000 quarters, which would cover more than half the deficiency created by the stoppage of importation, and more than the whole importation of oats. Under these circumstances, it seemed right to suspend the distillation from corn, with a discretionary power to the privy council, to extend or to put an end to the restriction as circumstances might require. This was the substance of the Resolutions of the committee, resolutions which they never would have come to, on account of the West India merchants, if the circumstances of the times had not rendered them necessary with a view to the general interests of the country. He argued on the principle, that the distress of one class of the community ought not to be remedied by burthening another class. But he denied the application of the principle in the present instance. The sufferings of the West India merchants were great; but the relief here proposed went directly to remedy the distress present or eventual of the country, and relieved the distress of the West India proprietors only collaterally. G. Britain imported annually on an average 770,000 quarters of grain from foreign countries. From some of these countries importation was now impossible. From America, in consequence of the embargo, corn could not now be received, and there was no prospect of the impediment being speedily removed. The supply of last harvest was not sufficiently abundant to have a surplus fund that might be relied on. The stock on hand was far short of the probable demand. In the south of England the crop was abundant, in other parts it was not. The crop of wheat was in general good, the crop of barley was short, and that of pulse good for nothing. Here the noble lord cited the evidence of the witnesses before the committee, beginning with Mr. Arthur Young, in order to establish, that the general crop of the last year was short, and the supply in the country insufficient. The stoppage of distillation from grain would be adequate to the importation of 470,000 quarters. In the present circumstances it seemed essential to divert so large a supply from luxury to necessity. It was objected to the measure, that it laid down a bad precedent, tending to encourage the perpetual interference of parliament in such cases. But, the circumstances of the present case were peculiar, and unless the same identical circumstances existed, the precedent could not apply. It was said the quantity of grain sown next year would be diminished by the stoppage. But the quantity to be sown depended on the prices, and the present prices were far from being low. Instead of falling, they had risen since the present measure was announced. Here the noble lord cited accounts of prices sent to him, which shewed a continued rise in the prices of corn in the last two weeks. In Scotland, in particular, the account stated that the distillers had determined to stop whether there was a provision to that effect or not. If the business could have been conveniently gone into last night, he was prepared to offer a Resolution for restricting distillation from corn for 12 months, from July 1, 1808; with permission to the king in council to do away that restriction whenever an abundant crop should render it adviseable or safe to do so. Understanding, however, that a number of the most formidable opponents of the measure might be conciliated by delay and representation, and that substantial good might be done with less difficulty by affording the means of private arrangement, he had put off his motion till this day. This was the sole cause of the delay, which was entirely distinct from ministerial motives. The object of attaining the same good with unanimity, was with him most important. He had, therefore, made the adjournment from yesterday, and he had also made some changes in the Resolutions he intended to propose, which he had reason to think would render them more generally acceptable. It had been objected by the Irish gentlemen, that the Report of the committee, by proposing to prohibit the importation of Irish spirits into England, went to a violation of the Articles of the Union. As nothing could be further from his wish and the wish of every gentleman of the committee and of the house, than to interfere with this compact in the slightest degree, this prohibition was to be now omitted. The first Resolution he meant now to propose, was, That after the 1st of July, and thence to the 1st of Oct. next, all distillation from corn, grain, flour, meal, &c. should cease throughout the United Kingdom; and secondly, that it should be lawful for his majesty in council, after Sept. 1st, to continue the restriction till forty days after the commencement of the next session of parliament. Thus, if the ensuing harvest should be a good one, the restriction might expire at once; if it should not be so, his majesty might continue the restraint till parliament should provide such remedy as its wisdom might think fit. It was intended, also, to reduce the duty on wash made from sugar. These provisions it was proposed should be extended to Ireland. But as his information on the state of that part of the united kingdom was not so complete, he would leave the details of the arrangement, so far as Ireland was concerned, to be afterwards settled and explained. He understood, however, that government had received information from Ireland, stating it to be adviseable to stop the distilleries at present. If after the ensuing harvest Ireland had a superabundance, this country or Scotland could not fail to afford a vent for that surplus. With respect to the West India part of the measure, he did not think it right now to enter into details. The committee continued to employ itself sedulously on devising the means of remedying the distresses under which the West India interest unhappily laboured. The distress of the West India interest was urgent, undeniable, and severe. Many who had been till lately opulent, were now in a state of the greatest distress, and the most wealthy were in curtailed circumstances. The supplies sent out to work the estates were still as expensive as ever. He did not think it necessary to argue on the importance of the West India Islands to this country. The present distress of the West India interest arose not from wild speculations, but from the shutting of the continental market, a mischief which England had brought on the colonies, and was therefore in a particular degree called upon to relieve and remedy. The question now before the house was, however, purely a British question. The relief to the West India interest was merely incidental to the primary object of providing a security against the apprehension of scarcity in G. Britain. That this relief to the West India interest could be incidentally introduced, was a great additional recommendation of the measure he intended to propose. He was glad that the measure was at length submitted to the sense of the house. If the restriction was necessary as a measure of precaution, it could not too soon be carried into effect. If it was not, the dispute could not be too soon put to rest. The noble lord concluded with moving, That the Report be referred to a committee of the whole house; and anticipated from the moderation and the good sense of the gentlemen present, that the wishes of the committee would be carried into effect.

Mr. *Coke* (of Norfolk) agreed that this question ought to be set at rest. He was sorry to observe a practice of suspending the statute of Wm. and Mary, which was the best security of the agriculture of this country, by affording the means of disposing of the surplus produce. The breweries and distilleries took off this surplus. If their use of corn was stopped, the demand must be lessened, the price must fall, and the growth and supply must of course be diminished. The landed gentlemen did not seek to maintain corn at the highest possible price. All they sought was a sure sale and a saving price, without which the land would not be cultivated. The price this year was low till this committee had commenced its inquiries. It had recently risen in consequence of the agitation produced by the investigation of the committee. The Report itself allowed, that every permanent interference with the present established system of agriculture was injurious; and it expressed great reluctance at adopting even a temporary restraint. Here the hon. gent. entered into a detail of the management of barley farms. In this species of culture, and that of wheat, an increase of one fourth had taken place within 15 years. The importation had proportionably diminished, and the fluctuation of the price of corn had materially lessened. The measure went to check the established system and do away the progressive improvement. With respect to the West India planters, he doubted whether they stood in need of relief. The demand for sugars had lately increased so much, as to create an advance of 6*s.* per cwt. on the article. This demand had arisen from exportation. The distress of the West India planters had no claim upon parliament any more than that of any other class of men,—the Staffordshire potters for instance. A proposition of the same nature as the present had been brought forward in Mr. Pitt's time. But it was found the revenue would suffer materially from it, and it was given up. Was the chancellor of the exchequer prepared to say this measure would not hurt the revenue, or was he prepared with a remedy for the defalcation? The land was already sufficiently burthened with land-tax, property-tax, and tythes, and it might be expected that gentlemen would not go out of their way to burthen it, for the West India planters. He was sure the West India interest was at the bottom of this measure; for till their distress was represented as so severe, this measure was never thought of. He had no objection to the stoppage of the use of grain in the distilleries, if it should be necessary. The government ought to have the discretion to impose or to remove this restriction when corn should come to a certain price indicative of scarcity or of abundance.

Sir *W. Curtis* highly approved of the fair, candid, and manly part the noble lord had acted in this business, as well as the ability he had displayed in the conduct of it. It was known to all the world, that we could not live without importing corn, and in case of a failure of importation, which happened now, or of a scarcity, which might very soon happen, it must be the duty of the legislature to seek for the best substitutes they could procure. Here, then, it was proposed to make sugar a substitute for corn, which was likely to be scarce. He hoped the landed interest would not oppose so useful a plan.

Sir *John Sinclair* said, that he might have less objections than he had to the present measure, if he could be assured that it was founded upon a system of general policy, and not local interest; for he was there, not as a man locally interested by the views of any particular place, or any one set of men, but as one of the members of parliament for the united kingdom of G. Britain and Ireland, and as such he could not see any advantage to be derived from the substitution proposed, but did apprehend a great deal of mischief. The hon. baronet then adverted to the great advantage that resulted to the revenue from the grain distillery, and asked, Whether with all this profit from the landholders, besides the property tax and others, it was a wise or a just measure to throw any obstacle in the way of the cultivation of land, and to diminish its produce? With respect to the sugar distillery, great as the injury would be to the landed interest, this boon would be productive of very little advantage to the growers of sugar. The high price of barley and other grain in Scotland, was partly owing to the great quantities that had been bought and distilled there, from an apprehension of this prohibition of distillation from grain. As to what had been said about the advantage which this prohibition would prove to the people, he observed, that he was of a totally different opinion, and in this he was supported by very high authority on the subject. As to the stoppage of foreign importation, he hoped that we might soon have an opportunity of importing from America, as we already might from our own colonies in the north of that continent. But, besides this, the measure might be made use of as a precedent for interference with the production of corn, a thing which it was most important to guard against. If any rational plan of relief could be proposed for the West Indian interests, he would gladly concur in it. But he could not consent that they should thus be relieved at the expence of a particular class of the community. The apprehension of such a measure as this, had excited the greatest alarm throughout the country; and it was important in every point of view that it should not receive the sanction of the legislature. He should therefore think it his duty to oppose the Speaker's leaving the chair.

Mr. *Curwen*, considering the great importance of this proposition, thought that it ought at least to have come from one of the ministers of the crown, who must be in a peculiar manner responsible for the effects of it. He, notwithstanding, gave credit to the noble lord, for the manner in which he had brought it forward; but asked, how he had come to change his opinion, and swerve from the Report in one day? However, he would not argue from the Report, but take the propositior as it now stood. With respect to the lodg ing these discretionary powers in th crown, he thought that this system was attended with very bad effects, and he was by no means fond of the idea of encouraging the practice. In order to shew that the country might be sufficiently supplied with grain, he adverted to the excellent effects that had resulted from Mr. Western's act by the increase of agriculture. He was a wise minister that assented to that act, and resisted the clamour raised against it at the time. Though the immediate effect of that act might have been to raise the price of corn, yet the ultimate effect was to render it cheaper, as it enabled the landholder to raise corn upon those acres on which none could otherwise have been produced. He mentioned, as another reason, the improvement in the breed of cattle, by which, in Scotland and other places, double the quantity of meat was produced with the same quantity of animal provisions, so that much less land was necessary for pasture, and more was left for the production of grain, of which the prices had never before been so regular. In Devizes, and other places in that neighbourhood, more grain had been stored up than ever had been known at any former period; and the present rise in the price of grain was owing to the alarm of the distillers, who had been buying up and distilling as much of it as possible, from an apprehension of this measure. Still however, if the proposition had come from the chancellor of the exchequer, or any responsible minister of the crown, he should not have been so much inclined to persist in objecting to a discretionary power of stopping the distillation from grain, if the circumstances of the country should require it, without reference to the case of the West Indian planters. But, as the proposition came from the noble lord, it must be considered as founded on the Report of the committee which had been appointed for the specific purpose of examining what method of relief could be adopted for the planters. If this discretionary power was required with the view of affording such relief, and not solely to be directed by the circumstances of the country abstracted from this consideration, the interests of agriculture must be shaken to the centre, without much benefit to the colonies. If, by the contest in which we were engaged, many should be turned from commercial to agricultural pursuits, it would be such a source of strength to the country, that so far from its proving fatal to us, we might come out of it in a better condition than before. He mentioned as a proof of this the great improvement that had taken place in the agricultural system of Norfolk, by which every seventh acre was employed in raising winter food for cattle, though in other places not more than one hundredth. If the same laudable plan should be adopted in other places, a sufficient quantity of meat would be produced to afford half a pound of meat a day to ten million of people.

Mr. *Marryatt* could not agree with those who thought that the interests of the West Indian planters were to be thrown entirely out of consideration, and maintained that a case of the utmost distress had been made out by them. When the account of the American embargo arrived, he, along with others, as a deputation from the West Indian committee, waited on the chancellor of the exchequer to ask, Whether government would consent that the restrictions on the exportation of corn to the colonies should be taken off? and upon this being refused, it was suggested that sugar might be substituted for grain in the distilleries, as this would be only relieving them with the money that was sent to be paid to foreigners for corn. It ought to be remembered, that in former committees on this subject, the plan went to the breweries, and to the distillation of molasses; at present it went no further than the distilleries, and distillation from sugar, so that the measure was much simplified, and the financial difficulties in a great measure got rid of. It ought also to be kept in view, that the committee still continued its labours, and had a Report in forwardness pointing out a permanent plan of relief, by which any recourse to this measure in future would be rendered unnecessary. He denied that the system of agriculture would be deranged, for the crop of this year was in the ground, and before the next year's crop could come in, the measure would have answered its purpose, and of course cease. He also denied that the general interests of the country would be at all injured, since the quantity of corn thrown into the market would be so much less than what had been commonly imported. The hon. baronet opposite had not sufficiently distinguished between the effects of a temporary and a permanent measure. He allowed that if the plan was to be permanent, it would be injurious, but no such thing was in contemplation. If agriculture had increased, the population must have kept pace with it, for the importations had not been at all diminished; and in the present circumstances of the country, we ought not to trust entirely to a future harvest, for making up the supply before derived from foreign countries. While the colonies took goods from the mother country to the value of six millions, while they paid nine millions to the revenue, and while the trade employed 20,000 seamen, sugar had for the last 3 years been selling at a price insufficient to support the expence of cultivation. He referred to the official papers in the Report, in order to shew the mistake of those who imagined that too much sugar was raised. The glut had been occasioned by the stoppage of the foreign market, and the admission of the sugar of the captured colonies into the home market, contrary to the good faith on which our own colonists had rested. He further contended, that there was no intention here to relieve one class at the expence of another. The landholders were in possession of an advantage which the fortune of war had given them, and they ought, out of that advantage, to allow something to other subjects of the empire, on whose interests the war had produced an effect so injurious.

General *Gascoyne* had understood that the question had been postponed yesterday, with a view to some compromise, but what that was he was yet to learn, for he saw from the agricultural gentlemen nothing but the most pointed opposition. But he should like to know by whom that compromise was made, or who authorized it? The committee was no party to such a compromise, and the hon. member for Norfolk had shewn no inclination to come into the noble lord's proposition. But, after all the delusion and all the clamour that had been excited on this subject, it appeared, from what the noble lord said, that the question was to be discussed without reference to the relief of the sugar planters! What had the committee been appointed for, but to consider of a mode of affording them relief? And was he now to abstain from stating their distresses? The advocates of the high price of provisions refused any relief to the planters till a scarcity should take place, when they would humanely permit them to share the profits they derived from the distress of the country. If the planters were to be relieved only by the calamity of the country, he wished they might be long without relief. It had been said, that the colonies were well represented in parliament. How did that appear? There never was any objection to profit by the high duties imposed on their produce. They were valuable as a subject of taxation; but when they became a subject of legislation, then they were degraded as well as injured; as in the instance of the bill that passed two years ago. After stating the impossibility that the colonies could keep up the competition in the foreign market with the Americans, who supplied the enemy with the sugar of their own colonies, the hon. general adverted to the opinion of the representative of the county of Norfolk, that the sitting of the committee had raised the price of grain. He affirmed, on the contrary, that had it not been for the sitting of the committee, the rise would have been double. The distress of the colonies was not only severe, but urgent, and the admission of grain into the distilleries was the only mode of early relief, and if this was denied at the end of the session, all the previous proceedings could only be considered as a tub thrown out to amuse the planters. The general argument of the landholders was, that they did not wish for importation: that might be to their advantage; but when the labourer was in many places in such distress for bread, he should suppose that humanity alone might induce them to allow the deficiency of importation to be thus far supplied. Their motives, however, might be pure, while a regard to their interest prevented their being sensible of the real merits of the question. But, the planters were told to look forward to a stoppage of the distilleries from the 1st of July to the 1st of October. Why, the distilleries never worked at that time. The hon. representative for Norfolk had dwelt upon the great improvement of agriculture, which had doubled within a certain time, yet writers (Mr. Young, Mr. Wakefield, and others) had spread an alarm of scarcity, and recommended inclosures. But inclosures would not remedy an immediate scarcity: this could only be done by employing a substitute for grain. Some of the advocates of the high price of provisions contended, that a scarce year was sometimes a great good, as it would be attended with a permanent benefit [coughing]. Coughing should not prevent his going on. He contended, that the relief of the colonies, instead of being left out of the question, ought to be the most prominent object, and this was the least objectionable mode in which the relief could be afforded. If they asked for a loan of five millions it would be refused them; but they did not ask this; they only requested relief in the most moderate way. While Buonaparte was anxiously looking for colonies and commerce, and supplying the merchants of Bourdeaux with money, among us, whose strength and resources depended so much on commerce, books were published to prove that commerce was of no benefit. He concluded by observing, that the West India planters, considering their situation, had been remarkably moderate in their claims for relief, and immediate relief ought at length to be given.

Mr. *Gooch* did not intend, when he came into the house, to have said any thing, but had resolved to leave the discussion to those who could do the subject so much more justice. But he could not avoid taking notice of the aspersions which had been cast on the country gentlemen by the hon. general under the gallery—a thing the less to be surprised at as coming from an avowed advocate of the Slave trade. The opposition to this measure, he observed, was founded on the clearest and most solid principles, and he most conscientiously joined in it. Trade might suffer for a time, without any great loss to the community, or without affecting in a material degree the general interests. But it was far otherwise with agriculture; when that was injured the whole country must be injured with it. Nothing, therefore, ought to come into competition with this grand national object. This measure, if passed, would derange the agricultural system, and change the whole method of cropping. The agricultural interests ought not, surely, to pay for the speculations of the colonists. On these grounds, he would oppose the measure. With respect to the imputations of the hon. general, he would leave it to others to give him a detailed answer.

Mr. *W. Fitzgerald* commented upon the contrast so glaringly manifested between the Report of the committee, and the speech of the noble lord who was its chairman. The Report recommending the measure for Great Britain, at the same time stated reasons conclusive on the impolicy of extending it to Ireland. On that part of the Report he certainly had not a different opinion; but it was with feelings of surprise he read a following recommendation to that house to restrict the importation of Irish spirits into this part of the kingdom. When such a manifest breach of the articles of the Union was recommended to that house, he could not sit silent without being guilty of that which, he trusted, never would be attributed to him, namely, an abdication of the honour and duty of an Irish representative. It since turned out, that the objection on that ground was removed, and the less one substituted, of extending this ruinous measure to Ireland. The Report itself had furnished the objections to that substitution, and he, therefore, was not a little surprised to hear the chairman of the committee, who drew up that Report, propose a measure against which it so conclusively argued. He felt it his duty to state to the house, that he had alone risen in behalf of the interests of that country with which he was acquainted, and expressed his determination, if it should accede to the motion for going into a committee, to move, as an amendment to the resolution which he presumed would be proposed, to leave out the words 'United Kingdom,' and substitute, 'Great Britain.'

The *Chancellor of the Exchequer* observed, that gentlemen had alluded to a compromise: he was not aware of any such compromise, nor had his noble friend, as far as he understood him, affirmed that any had taken place. If there had been any compromise, and any discredit attached to it, the hon. general had certainly shewn that he was no party to it, and that none of the discredit would rest with him. He understood his noble friend to have said, that he had postponed the resolutions on the former day, from an idea, arising from the nature of the objections, that a trial ought to be made whether the propositions might not be so framed as to conciliate gentlemen on both sides. But, he certainly had no recollection that his noble friend pretended that he could compromise the matter, nor had he any authority to do so. The hon. general had charged his noble friend with having left the distress of the sugar planters out of the question, though the committee had been expressly appointed to devise a plan for their relief. He did not think that his noble friend had departed from the character or spirit of the Report, for the measure was there recommended only with a view to the diminished supply of corn, and a power was accordingly recommended to be vested in the crown, to stop the suspension when the continuance of it should be inconvenient or injurious to the agricultural interests, and not desirable with a view to prevent a scarcity of food. If his noble friend then felt that a notion prevailed, that his design was to remunerate the sugar planters, and to sacrifice the landed to the West Indian interest, was it not expedient that the thing should be placed on its true ground; and that it should be stated, that, independant of the West Indian interest, there were good reasons for the adoption of such a measure? That was his view of the subject, and the view of his noble friend, who had kept strictly to the spirit of the Report. The hon. general was, however, indignant at the delay, and said, that from the 1st of July to the 1st of October, the distilleries would be stopped at any rate. But his noble friend here again had only followed the spirit of the committee's recommendation; for the committee had proposed, that the suspension should commence from the 1st of July, and continue till July in the following year, still leaving a discretionary power with the crown. The proposition of his noble friend, that the distillation from sugar should commence on the first of July, and continue till Oct. with a discretionary power in the crown to continue it still further till 30 days after the meeting of the next session of parliament, was in substance exactly correspondent to the Report.—[General Gascoyne said across the table, that he understood that sugar was not to be substituted between July and Oct. except in a case of scarcity.] That, indeed, would have afforded some ground for the hon. general's objection; but his noble friend had expressly stated that sugar was to be substituted; and the hon. general might recollect, that he had mentioned his intention of proposing a reduction of the duty on sugar-wash, in order to enable the distilleries to employ sugar with advantage. Another reason for desiring an interval was, to consider how the difficulty, with respect to Ireland, could be got over. The hon. gent. over the way (Mr. Fitzgerald), who had expressed himself so strongly with regard to a recommendation of the committee which he considered as an attempt to violate the act of Union, was hardly reasonable in his objection to a compromise by which that difficulty was done away, and the resolution proposed in such a shape as made it a common question with respect to both countries. That this rendered the proposition more difficult he allowed; but when both countries were united, and the trade in grain perfectly free between them, it appeared that there was no step that could be taken to save the grain here that did not equally apply to Ireland. When there was abundance or scarcity in one country, it would be equally felt in the other. If the prices here were high, they must be high there, and *vice versa*, so that the same measure of precaution ought to apply to both. If this had been solely a competition of interests, there was no question that the landed interest ought to have the preference; but when another interest might be promoted without prejudice to the landed interest, surely the proposition could not be rejected, merely because a measure, expedient in itself, might happen to afford relief to the sugar planters. He agreed, therefore, that the question ought not to be argued on the ground of relief to the West India planters; although that was not to be thrown out of consideration entirely. He then put it to the judgment of the house, whether though fortunately there was not at present a scarcity, yet in the deficiency of the means of supply, and the badness of the crop, under the apprehension of a possible scarcity, with the foreign ports shut against us, it was not wise to provide beforehand against those threatening appearances? Those who put the question on the general principle, did not argue fairly, for the present was different from ordinary cases; and hence the hon. baronet's (sir John Sinclair) arguments, though they might apply very much to former times, did not at all apply to our present situation. We had been an exporting, we were now an importing, nation.—The right hon. gent. then adverted to the evidence of Mr. Arthur Young and others, and contended, that the matter was clearly made out, that the crop was deficient, and that it was expedient to adopt some such measure as the present. He denied that the high price could possibly result from the agitation of this question. The effect of that must have been quite of a contrary description. The cause was, the scarcity in Scotland, and the indifferent crops in other places. It would be improper to bring the measure into operation sooner than the 1st of July, as the distillers should have time to dispose of that grain which they had in such a state that it could be applied to no other purpose. He stated, that the crop of potatoes had failed in Ireland, and that by the effect of this proposition, the people there would have other food cheaper. The measure ought always to be considered as a temporary one. He admitted that it was his duty to take care of the revenue, and that this was an important consideration. But he believed that the revenue would not suffer materially, and that the difficulty of the collection in Ireland might be got over. He hoped, upon the whole, that those gentlemen who objected to the quarter from which the proposition came would dismiss from their minds, in considering the subject, every thing except its real merits. This was the proper view of it, and he hoped that no strenuous opposition would be persisted in.

Mr. *Ponsonby* declared, that if he had not read the Resolutions proposed by the noble lord, he should have voted for the motion of going into the committee; but the reading of these Resolutions was sufficient to satisfy his mind as to the propriety of an opposite course. The gentlemen on the other side, had taken quite different routes to recommend the measure of the noble lord. One had pleaded for it as necessary to relieve the West India merchants, while another contended that it was called for in order to guard against scarcity. To show that the latter ground was erroneous, the right hon. gent. entered into a comparative statement of the prices of corn, at various periods, particularly in Ireland; and quoted several passages from the evidence taken before the committee, to prove that this ground was quite untenable. As to the relief of the West India merchants, he was as anxious for it as any man, but to the mode now proposed he strongly objected, and, in particular, because he did not think this mode could be effective. He would rather recommend some permanent relief for this deserving class of men, by reducing, for instance, the revenue to which they were subject. The West India merchants he thought peculiarly entitled to consideration; because, while they were subject to all the additional contributions consequent upon the war, they were not liable to profit by its results. For if, through our success, any colonies should be captured, the West India merchants were likely to suffer by the competition which they must experience from the produce of such colonies; and if defeated, those merchants would, in consequence, be excluded from an additional market. Thus, in the event of our success or defeat, the West India merchants were almost equally liable to suffer. Of course, they had strong claims upon the country. But the present was not the mode of relieving that class of men. In fact, while it would administer ineffectual relief to them, it would offend the landed interest. Thus ministers, who proposed it, would experience the fate generally attendant upon half-measure politicians, namely, that of neither pleasing nor serving any body.

Sir *A. Wellesley* asserted, that the people of Ireland, and especially in the north, were very much distressed for provisions, which distress would, he maintained, render a measure of this nature necessary, whatever might be the state of the West Indian merchants.

Colonel *Montgomery* stated, that the scarcity of the potatoe crops in that part of Ireland with which he was acquainted, had been such last year as to afford scarcely enough to spare for the ordinary cultivation or seed. The consequence therefore was, to produce a proportionable scarcity of corn, which he thought the measure under consideration calculated to alleviate, if not to remedy.

Sir *John Newport* was surprised at the statement, that the north of Ireland had recently experienced any material want of provisions, as the price of corn had not been for several months at all fluctuating at one of the greatest ports for the export of that article in Ireland, he meant Waterford. If any scarcity existed in the north, he naturally concluded that such scarcity would have affected the price of corn at Waterford. The right hon. baronet generally deprecated the interposition of the legislature upon subjects of this nature. He thought such interposition, in almost every instance, extremely noxious. Indeed, experience had proved that nothing but imperious necessity could excuse it. To such interposition he believed it was owing that this country was not able to grow sufficient food for its population, as it formerly did. From the enactment of Mr. Parnell's act to the present time, the interposition he deprecated was found injurious. As to the rise which had recently taken place in the prices of sugar and corn, it appeared to him to proceed from the speculations likely to arise out of the existence of a committee upon this subject.

Mr. *C. Ellis* contended, that the fears of the landed interest were without foundation, and that it was not necessary to prove a scarcity, as something was indispensible as a measure of precaution. Some relief was absolutely necessary, and if gentlemen would not accede to this, he should be happy to receive from them the boon of a fair competition in the market, rums against British spirits, and sugars against corn. If from the opposition given to the present measure, it should be defeated, and a scarcity be the consequence, he would ask, what excuse gentlemen opposite could make to a starving people for having resisted a plan, which, if it did not, as they contended, go the length of giving relief to the planter, could not be shewn to be in any way disadvantageous to the landed interests of the country?

Admiral *Harvey* considered that grain being at too low a price, was to be looked upon as a serious evil, as well as its being exorbitantly advanced. If he saw that there was any probability of a dearth, or scarcity, he should then most cheerfully vote for any measure that was calculated to economise the article, and lower its price. As the case now stood, he could by no means think of voting for the proposition then before the house, it being in his judgment calculated in a great degree to ruin the farmer for the sake of affording some partial relief to the West India planters and merchants.

Mr. *Foster* stated, in the most unequivocal terms, that he meant to vote in opposition to his colleagues. His reasons were these; in the first place, he thought it to be contrary to all acknowledged maxims of agriculture to say, that we should prevent the use of grain in one of its regular channels, merely for the benefit of the West India colonies; and in the second place, if there were any ground for such a prohibition, it ought to be shewn, that the necessity of adopting such a measure arose from the dearth or scarcity, of grain, or some just cause for the apprehension that such a case was likely to happen. The corn of the country was, by the wisest and most experienced politicians, left in general to find its own level in the market, by the usual means of competition among the dealers. When there was a bad harvest, the price of grain advanced much higher than usual; there were always persons ready to import from foreign markets, and thus keep down the price whilst they promoted their own interests. But it never could be the interests of any state to be regardless of the interests of the farmer, and not to leave him some opening to dispose of the surplus of his crop. These opportunities were, first, in the sale to the breweries and distilleries; and secondly, by exportation. He believed that this was the first time in the English history, except in a time of scarcity, or the apprehension of such an event, that ever the legislature attempted thus to tamper with the agricultural interests of the nation. Besides that, he could not believe that it was capable of affording any substantial relief to the West India merchants or planters; and if the house once adopted such a measure, and left such a precedent on their journals, it was impossible to say to what extent the mischief might be carried hereafter. Gentlemen might say what they pleased in that house upon the subject, but their words would have no effect upon the country at large; and the precedent would appear upon their journals without their arguments in support of the measure, so that hereafter it might be made use of, on lighter grounds even than those on which the present proposition stood. Agriculture was a business that required most extraordinary steadiness, more than almost any other pursuit that mankind were engaged in; and if the farmers were left without four years steadiness in the law that was to govern them, there would be no market, comparatively speaking, for a redundant crop, and no resource in time of scarcity. In Ireland there was no steadiness in the law upon this head until the year 1784. The law was at that time fixed; and almost ever since they have been able to send considerable supplies of grain annually to England. In every point of view that he could look upon the present subject, it left so strong an impression of its impolicy on his mind, that he felt himself bound to vote against the Speaker's leaving the chair.

Mr. *Windham* declared that the principles laid down by the right hon. gent. who had just sat down, and by his right hon. friend (Mr. Ponsonby), need only be heard, to carry conviction to the mind of any dispassionate man. The committee, however, had been instructed to consider of the best means of affording relief to the West India planters, and to consider of that only, as it was imagined at least; but all on a sudden, and most conveniently for the wishes of the gentlemen on the other side (all but the chancellor of the exchequer for Ireland), the idea of a scarcity in the country darted upon their mind, something like Bayes's army in disguise, and gave a new turn to their proceedings. Really whilst there was such vacillation of opinion, such unsteadiness among their councils, there was little or no hope left for confidence in future. And, in fact, if there was any thing like a scarcity in the country, the very words of ministers that night were calculated to spread the alarm and add to the necessity.

Sir *C. Burrell* declared his sincere conviction of the dangerous tendency of the measure which was then before the house.

Lord *Castlereagh* strenuously supported the motion. As an argument in its favour, he asserted that the price of grain was at present higher than in the scarcity of 1795, and as high as in the scarcity of 1800, when the distilleries were prohibited. Added to this, we had not at present any prospect of a foreign import; so that any means that tended to husband our present sources of supply it was adviseable to adopt.

Mr. *John Smith* supported the measure. The greatest possible calamity that could befal any country was a scarcity of corn. It must be considered, that for the last 18 years a very large importation of that article had taken place, and we ought to provide for the consequences that might arise from our being deprived of all foreign sources. There were already a great number of persons deprived of employ, so that we had need to guard against the additional calamity of scarcity. He knew of one instance, within these last six weeks, where no less than 1000 persons had been thrown out of work from one manufactory alone. He really believed too that the West India planters were a most injured set of people, and that some measure was necessary for their relief. The effect of this present measure would be to relieve both of these descriptions of individuals, and be attended with generally beneficial consequences.

Sir *H. Mildmay* spoke against the measure, and stated the average of the price of corn for several years, in order to shew that the supporters of it were not justified in using such arguments in favour of their measure, from the state of these prices. If, however, the house proceeded into a committee, he should then take an opportunity of proposing some alteration in regard to the period.

Mr. *G. Hibbert* said this measure was expressly recommended by the committee, after an inquiry into the same subject had taken place in 1807, and therefore it was impossible that they could have recommended one so totally different from the former recommendation, had they not seen that the circumstances of the times made that alteration absolutely necessary. Those circumstances were the changes that had taken place in the foreign relations of the country, which now deprived us of a supply of grain. If we did not want that supply formerly, why did we take it? If we did want it, was it possible that any ministry could be justified in sitting calmly, and viewing with composure, the consequences likely to arise from the country being deprived of that supply in future. He could assure the house that there was no joking with the belly. Our enemy had aimed two blows against us, in depriving us of the markets for procuring supplies of grain, and of a market for our sugars. He should take a future opportunity of delivering his sentiments at length upon the subject.

Mr. *W. Smith* said, he had sat upon the committee for two months, and could not help expressing his surprise that the noble lord had brought forward such a measure. But unquestionably, this was not a measure of the committee which was instituted for the purpose of proposing relief to the West India planters, as they indeed seemed to be left entirely out of the question. His objection to the measure was, that, as to the West Indies, it was futile, and as to scarcity it was worse than nothing. Our importation of corn had been hitherto more than 700,000 quarters, but he argued that no scarcity was to be apprehended. He should like to know what effect this measure was likely to have before the next harvest. It was only telling the distillers that they must stop distilling from grain upon the 1st of July, the very time about which they would have done so, without any restraint whatever. The consequence of this measure would be, to produce scarcity instead of preventing it, as the distillers would use more grain between this time and the 1st of July, than they otherwise would have done.

After a short reply from lord Binning, the house divided,

Ayes - - - - - - - - - - - -	122
Noes - - - - - - - - - - - -	108
Majority for going into a Committee	—14.

The house then went into a committee, *pro forma*, and the chairman obtained leave to sit again.—Adjourned at four o'clock on Friday morning.

HOUSE OF LORDS.

Friday, May 20.

[SCOTCH TEINDS.] The house proceeded to give judgment in the Appeal, the earl of Wemyss *v.* Macqueen. This case was of great importance to the clergy of Scotland, as it involved a question, Whether the Stipend of a minister, having been once augmented since the year 1707, can legally receive a second augmentation. The Court of Session had decided in the affirmative.

The Earl of *Lauderdale** rose and spoke as follows:—My Lords; This is a case which comes before your lordships' house by appeal from the Court of Session: the appellant is the earl of Wemyss, who appears in the character of an heritor of the parish of Prestonkirk, though in reality he represents the landed interest of Scotland, for in the course of the argument this has been stated from the bar to be their cause.—The Respondent is the Rev. Mr. Macqueen, the minister of that parish, who avowedly maintains what in the pleadings before you has been held forth as the cause of the church of Scotland.—On the facts which have given rise to this case, there is no dispute; both parties are agreed, that the stipend had been first modified and augmented in the year 1678, and that a second augmentation had been granted in the year 1793.—It is under these circumstances, that the clergyman of this parish, in the month of Nov. 1806, raised a process for a further augmentation. Soon after the cause came into court, it appears, that the appellant in this case gave notice, that he was determined to dispute the competency of the court under the act of parliament from which it derived its authority, to grant augmentations in cases which had been previously augmented and modified: and it seems to have been agreed on both sides to consider this purely as a question on the powers of the court, without relation to any of the circumstances that might ultimately regulate the decision on the particular case. Accordingly, it was so argued on the 9th of Dec. 1807, when the parties were ordered by the Court to give in memorials. On advising these memorials, the court pronounced an interlocutor to the following effect: "The lords commissioners having heard counsel for the parties, and advised the memorials, find that this Court having been established by an act in the year 1707, as a permanent court of commission, in place of the former temporary commissions for the purpose, inter alia, of modifying and augmenting the stipend of parochial ministers, out of the teinds, it is the duty of the court, and within its powers, as recognized by the house of lords, in two decided cases in the years 1784 and 1789, and by the uniform practice of the Court acquiesced in by all parties, in a great variety of instances, ever since the last-mentioned period, to receive such applications, when made in the regular forms, and determine upon them according to the state of matters at the time, and the merits of each particular case, notwithstanding a former augmentation since the institution of the court; and therefore that the present case must be allowed to proceed as usual."—It is the justice and propriety of this interlocutor on which your ldps are now called to pronounce judgment: and those of your lordships who have attended the cause must be fully sensible that you have had on this occasion every advantage which could be derived from the learning and ingenuity of the bar: the pleadings on both sides have been conducted in a manner that must have convinced you that the labour bestowed in preparing, and the talent displayed in enforcing the arguments, left nothing more to be said on this important question.—In the pleadings of the counsel, the subject has been considered in two points of view: First, what are the powers given by the act 1707, to the court of session, acting as commissioners for plantation of kirks and valuation of teinds. Secondly, how far your ldps' house, by your decisions, and the court below, by its practice, has not precluded you from now considering the jurisdiction the law gave, and established the proposition that the court of session, acting as commissioners of teinds, have a power vested in them to augment at their discretion the livings of the clergy, till the whole tithe is appropriated to the church. The court of session was first authorized to judge on the subject of augmentation of ministers' stipends, and other matters relative to tithe, by the 9th act of queen Anne, 1707. It is the only act of the legislature from which that court derives any power whatever on this subject; and the question concerning its jurisdiction, if now open to discussion, must depend upon a fair construction of the provisions of this act. The act, however, does not in terms enact the powers which it confers, but refers for an accurate description and definition of them to the 19th act of parliament 1633, the 23d and 30th acts of the parliament 1690, and the 24th act of the parliament 1693.—The question concerning the powers of the court as defined by these acts, has been considered at the bar in two different points of view.—First, it has been contended by the appellant, that after a church was once modified and augmented, provided the stipend assigned was not below the minimum as fixed by law, the court could not re-augment, without encroaching on the sacred rights of property. On the other hand, by the respondent, it has been argued, that the clergy, from the reformation downwards, never gave up their claim to an adequate maintenance out of the tithe, and that the court, without any invasion of the right of property, had a right to assign such maintenance, and occasionally to augment it, as the circumstances of the times authorized.—Secondly, it has been stated on the part of the appellant, that the act 1707, and the acts it referred to, in their enactments, only meant to confer the right of granting one augmentation of stipend, which was to endure in perpetuity, and that many concomitant circumstances clearly pointed out this to be the true construction of the law. On the other hand, this construction has been contested by the respondent, and arguments have been brought from other acts of parliament to induce your ldps to conclude, that the act 1633, on which this question mainly relies, never intended to circumscribe the powers of the commission it appointed to the granting of a single augmentation, but that it clearly conferred the right of reviewing its own decisions.—In the conduct of the argument, much learning has been displayed, on the appropriation of the tithe in ancient times in Scotland. The act 1567, which granted a third of all benefices to the church, and the circumstances that the various grants of tithes to the lords of erection, were uniformly burdened with the condition of maintaining the clergy, had been relied on as proofs that the clergy, at no time, even after the reformation, were deprived of that right to tithe for which the church has uniformly contended. On the other hand, it has been said, that this right was abandoned by the protestant clergy: the authority of John Knox has been cited. The power of the titulars, and the circumstance that the parochial clergy had only the benefices of value under 300 merks conferred on them by the legislature, have been urged as proving, that, after the reformation, the divine right to tithe had been abandoned.—As bearing on the present case, all these considerations appear immaterial: whatever might be the rights of the parochial clergy, it is perfectly clear, that, antecedent to the year 1617, they had been reduced to extreme poverty. For in that year an act of parliament passed, which describes the state of the church in terms not equivocal; the preamble states: 'Considering that there be divers kirkes within this kingdome not planted with ministers, wherethrough ignorance and atheism abounds amongst the people; and that many of those that are planted, have no sufficient provision or maintenance appointed to them, whereby the ministry are keept in poverty and contempt.' Though this act of parliament is not referred to in the act 1707, out of which this question arises, it has been dwelt upon in argument by both parties, as being the first act appointing a commission, intrusted with the charge of providing for the parochial clergy out of the tithes of the church.—In the present case, for the better understanding of the act 1633, it appears to me only necessary to state, that it provided that 500 merks of money, or five chalders of victual, should be the minimum; that 1000 merks of money, or 10 chalders of victual, should be the maximum, given as stipend to the clergy; and that after such a provision was made, the holder of the tithes should be quieted in his possession for ever.—It is proper also to remind your ldps, that another commission was appointed in the year 1621, similar in principle and effect to that established in the year 1617.—It is material also, here to observe, what indeed was admitted at the bar, that the stipends given to the clergy, under the provisions of these acts, were to be paid either out of the tithes held by the bishops, or the tithes held by titulars; for the parsonage tithes were already the property of the church; and the lands held 'cum decimis inclusis,' never were subjected to any provision for the maintenance of the clergy.—That such were the circumstances when the general arrangement of Charles 1, concerning the benefices of the clergy and the situation of the tithe was carried into execution by the acts of parliament which passed in 1633, is admitted by both parties at your bar. And as this case appears to me very much to depend upon the true and sound interpretation of one of these acts, viz. chap. 19, it is necessary shortly to allude to the public feeling on the subject of tithe at the time in which it was passed.—King Charles 1, soon after coming to the throne, evidently appears to have wished that some general arrangement should be made on this subject. It seems to have been his intention, if possible, to settle the disputes existing about tithes, in a manner advantageous to all parties; submissions were entered into in the most formal manner, and the result of the award, carried into execution by the acts passed in 1633, was an arrangement apparently beneficial to all who were concerned.—The crown got a right of purchasing the superiority from the titular, at the rate of ten years purchase, and an annuity of six per cent. out of the tithe.—The titular was quieted in the possession of his property, which had been disputed by the crown.—The landholder got rid of the grievance of drawing the tithe in kind, his tithe was to be valued, and he was only to be assessed in perpetuity in a fifth part of the then value of the lands; he obtained, also, a right, if he chose it, to purchase his tithe so valued, at the rate of nine years purchase.—The clergy were on their part benefited by the minimum being advanced from 500 to 800 merks, and the commission appointed were no longer restrained in relation to the maximum of what was to be given as a proper stipend for the minister.—In considering the act of parliament which passed in the year 1633, the words of the act, as well as the history of the times, have been relied upon as proving, that it meant to enact, and did actually enact, a final settlement of all claims concerning the tithes; and there can be little doubt, that words stronger or more appropriate to produce this impression could hardly have been selected.—The preamble recites what had been the king's object from the commencement of his reign, and describes the enactments to be, 'for the finishing and full perfection 'of the glorious work anent the teinds and 'maintenance of ministers'—an accurate description of the law, if it was meant to settle once for all the state in which the parties were permanently to stand; but a very false representation of it, if it meant only to provide for the sale to the landholder of that, which it was to be understood the parochial clergy had a right to claim, the moment the purchase was effected.—This act ordains the tithes to be valued, and gives to the commissioners power, after the valuation, to appoint a constant local stipend for ministers: the term constant has been dwelt upon by the respondent in this cause: much reliance has been placed on the circumstance, that perpetual is dropt, which was used in the former acts, and that the word constant is here resorted to: between these a distinction has been made; perpetual is said to be properly used in relation to time; constant, as applicable to regular payment: but it is impossible to conceive that there is any real distinction betwixt the meaning of these words, as used by the legislature: and if the act itself is examined, it is clear that the word constant was not used for the purpose of securing the regular payment of the stipend, as that is afterwards especially provided for in a subsequent clause of the act, when the commissioners are directed to 'set down the security in 'favour of the ministers, so far as concerns 'the maintenance assigned to them, for 'good, thankful, and timeous payment of 'the rate of teind.'—The price for which the tithe was to be sold by the titular to the landholder, subsequent to the clergyman's provision, has been relied on by both parties: by the respondent it has been said, that nine years purchase was a very inferior price: he has argued, that it is so stated by Mr. Erskine, who says, 'that the tithes were sold at that inferior 'price from the circumstances of their being subject to future augmentations.'—By the appellant it has been contended that the price was adequate, that the interest of money was at that period at ten per cent. which was evidently the case as appears from the act 1633 providing that the lender of money should receive only eight per cent. and that the remaining two should go to the crown: the authority of Mr. Laing has also been relied on: his history has been quoted in opposition to Mr. Erskine, and the parties have canvassed whether a lawyer or an historian was best authority for the market rate of interest in remote times. It is to be observed, however, that the interest of money is stated to have been at ten per cent. at this period, by the clergy themselves, in the answer drawn up by the committee of the general assembly, to the third and fourth reasons of dissent in the year 1750.—Independent of these, however, there are various circumstances, which make me incline to the opinion that nine years purchase was deemed an adequate and full price for the tithe.—The superiorities sold to the crown under the same acts of parliament were valued at ten years purchase, which, like the tithe, conveyed an unimprovable annuity, with the sole distinction, that the feudal service, certainly worth one year's purchase, went along with it.—This alone is strong evidence, that nine years purchase was, at that period of time, deemed a fair price for a quit-rent; and on the authority of the king's declaration, it appears that this was the light in which it was considered.—But it is not only upon the words and provisions of the act 1633, and upon the contemporaneous exposition of it, derived from such authority, that I am disposed to ground the opinion, that that act meant to give to the landholder a right to his tithe, unburdened with any obligation for increased allowance to the clergyman.—Circumstances at no very remote period from the passing of the act, as well as subsequent enactments of the legislature, appear to me to prove, that this was understood to be the real meaning of the act, beyond a possibility of doubt.—As the commission constituted under the act 1633, was to endure during his majesty's pleasure, in the year 1636-7, a selection of persons from the nobility and clergy were appointed by his majesty to report whether this commission should be allowed to continue, or whether it was then fit to put an end to it.—This report having been framed by the ecclesiastics, was agreed to, with some exceptions, by the lay lords: in the narrative it recites, 'that the clergy 'had from the first objected, that the tithes 'being the proper patrimony of the church, 'and reserved particularly in the Act of 'annexation, should be heretably disponed 'and sold to the heritor.' Now it is impossible to conceive that the clergy should have this feeling if the tithes subsequent to sale, had been, as the respondent contends, equally liable to future augmentations as before the sale.—The act 1633 must have made on their minds a very different impression: they knew that both by the act 1617, and the act 1621, in express terms the tithe was discharged from all further claims, after payment of the sum modified; they knew that the act 1633 had raised the minimum from 500 to 800 merks, that it had left the maximum indefinite; and if they had thought, as the respondent contends, that the law was altered to such an extent, as to reserve to the church a right to come back for re-augmentation as often as they thought fit, how is it possible that they should have felt themselves aggrieved or concerned, whether the tithe went to the landholder, or remained with the titular? They might as well have opposed the sale of a titular's right, as the sale from the titular to the landholder, if this had been deemed to be the sound interpretation of the law at that time.—But this is not all: in no part of this report is it stated as a ground for keeping up this commission, that the circumstances of the times might authorize the clergy to come back; on the contrary, it is said, that many of them not having got the statutable allowance, and others, though their stipends were modified, not having obtained decrees of locality, it is judged most necessary, that the commission should "be kept up till *the work was ended*;" clearly implying, that the clergy and nobility, in making this report in the year 1637, still conceived that the object was the same as recited in the preamble of the act 1633.—Strong evidence of this being the sound construction of the act 1633, is also to be found in the act of parliament which passed Nov. 15, 1641: this act, though not referred to by the act 1707, and in truth not in existence, being rescinded after the restoration, may be referred to as explaining the sense parliament entertained at the time of the act 1633: and any illustration derived from it is the more forcible, because the power the presbyterian clergy then possessed, ensured that the interpretation the most conformable to their interests of which it was susceptible would be imposed upon it.—Yet this act does not empower the commission it appoints, to take into consideration, generally, what sum it was fit to grant to the clergyman out of the tithes which had been sold. Indeed it specially bars the possibility of augmentations being granted on this principle, because it confines the attention of the commissioners to those cases, 'who got not the benefit of 'the former commission, and have not the 'full quantity of eight chalders of victual, 'or 800 merks, according to the tenour of 'the Acts of Parliament made in anno '1633.'—The only other cases submitted to the cognizance of this commission, where previous augmentations had taken place, were those where there existed proofs of agreement betwixt the minister and his heritors, or where the parish minister had been defrauded by the interference of the prelates.—The act 1641 further shews, that the landholder was deemed to have acquired a real right to that which he had purchased, by cautiously avoiding, under any circumstances, subjecting his property to further demands.—But it is not the phraseology of the act 1633; it is not the full knowledge of the king's intention and of the tenour of his decreets arbitral; it is not his majesty's declaration of his sense of what had been done; it is not the clear coincidence in opinion of the clergy themselves in their report in the year 1636; nor even the commentary afforded by the rescinded act 1641, upon which I rely in giving a decided opinion on the meaning of the act 1633. The reports of the decisions of the commission appointed under this rescinded act, support this interpretation of the act of parliament in the strongest manner. In the acts and practicks of the commission 1642, there are three decisions reported upon very different points, but none of which can in common sense, be reconciled to any other view of the law, than that which I have given to your ldps.—The acts 1633 and 1641, it will be recollected, ordered the commissioners to set aside, after the valuation of the tithe, a constant local stipend for the clergyman, and then gave to the landholder the right of purchasing the remainder at nine years purchase. It appears that there came before the commission a case, wherein it was disputed, whether the landholder could purchase his tithe before the minister got a stipend; and it was decided, (earl of Haddington against Bearford) that the heritor may buy his teinds, although the kirk be not provided, if he be content to undergo the proportionable part of the augmentation, when it shall be granted, notwithstanding the right he had acquired by purchase, clearly shewing, that in this case the landholder was to be subjected to an obligation after purchase, to pay the augmentation; an obligation, which it is never alleged, existed in any conveyance from the titular to the landholder of tithe, subsequent to an augmentation having been granted.—There is another decision of the same day, in the case of Erskine against Ker, and the minister of Lecropt; it is there found, that the titular is not obliged to augment the minister's stipend if it was augmented by the last commission, by agreement betwixt the titular and the minister, provided it proceeded by way of reference from the lords commissioners, to any of their number to sanction the agreement with the parties: now it is clear that nothing can bear more strictly on the point than this decision. In truth, it shews that the commission under the act 1641 could not in their opinion re-augment a living, even supposing it was proved that collusion had taken place between the parties, provided the commissioners acting under the former commission had sanctioned the result of that collusive agreement: how much more strongly, therefore, must they have felt themselves obliged to reject a claim where a decision had been pronounced by the commission after due and full examination of the case?—There is also a report of a decision of Feb. 22, 1643, which goes to confirm the same interpretation: in the case of Forgandenny it is found, 'that the kirks 'provided by the former commission, if 'they be bishop's kirks, and provided 'within 800 merks, or eight chalders of 'victual, that by the act of parliament they 'have power to provide them further'—clearly shewing that the sense of the court was, that no addition could be made to the stipend of a kirk, if it were not a bishop's kirk, and if it had not less than 800 merks, or otherwise fell under some one or other of the exceptions of the act 1641.—That the legislature meant, by the act 1633, to give to the landholder a clear right, at the rate of nine years purchase, to the full possession of the tithe conveyed after a provision given for the clergyman, to be enjoyed by him in the same manner as if his property had been held 'cum decimis inclusis,' does not even rest upon all this body of evidence, which I have taken the liberty to detail: a strong corroboration is derived from the act of the year 1690, chap. xxiii. This act conveys to the patron of the parish all the parsonage tithes not heretably disponed, which it subjects generally, not only to past but future augmentation of stipend: it obliges the patron, as the act 1633 had obliged the titular, to sell the parsonage tithes thus acquired to the landholder:—but they were to be conveyed under the obligation on which they were held; i. e. subject to future augmentations. Had they been conveyed, released from all such burden, the fair price must have much exceeded nine years purchase as fixed in 1633. The interest of money had been reduced by an act of the legislature to six per cent. in 1661. It was reduced in queen Anne's time to five. The value of a quit-rent in the year 1690, therefore, must have greatly exceeded nine years purchase, but in consideration that those tithes were to be subjected to future augmentations, the act fixes their value at six years purchase, which on principle, as the market rate of interest of money was then at five, and in 1633, at ten, must have induced the legislature in 1633, if the tithe had been to have been conveyed to the landholder subject to the same burden, to have fixed the value at three years purchase instead of nine.—In opposition to all this body of evidence, tending to explain the real meaning of the Act 1633, on consulting my notes, I can only find two circumstances which have been urged by the Respondents that appear to me to bear upon the question.—First, it has been said, that the act 1633 could not have been understood as an ultimate settlement of the stipend of the clergy, because, by the act 1641, a power is given to grant a further augmentation; and the ground upon which this proposition was submitted to your ldps, is, that in the year 1633 there were general powers given to the commissioners to go below the minimum, and that in this act they are only empowered to go below the minimum in special cases, which was a provision more favourable for the clergy. To this circumstance, however, I can give no weight; nothing has been brought to shew, that this is not in itself a specification of those very cases, and of the whole of them, with regard to which the exception had been made in general terms in the year 1633: on the contrary, from the respect paid to the act 1633, by the whole tenour of the act 1641, the presumption arises that it was only a specific enumeration of the cases understood to be generally alluded to in the act 1633.—Secondly, it is said, that the rescinded act 1649 is also more favourable to the clergy than the act 1633; and this observation is grounded on the circumstance, that in the act 1633, where victual cannot be given to the clergyman, the conversion is settled at the rate of 100 merks for a chalder of victual, whereas by the act 1649, it was settled at a sum between 100 merks and 100 punds: if, however, this act is consulted, it will be seen that it in noway relates to churches which had antecedently received an augmentation under any former commission; and that it alludes alone to churches which had not been augmented: indeed, the words of that act recite, and specially regard the provisions of the act 1633, as a conclusive settlement. To these objections, therefore, I can attach no importance.—I have now stated the grounds on which I have formed a decided opinion, that the act 1633 gave to the landholder a clear right to his tithes, after a due provision to the clergyman being once modified, unburdened with any future obligation to provide increased stipends; and I have in vain looked for any enactment in the acts of the 23d and 30th of the year 1690, and the 24th of the year 1693, the other acts referred to the act 1707, which interfere with or invalidate the right so conferred.—With regard to the second question, how far the act 1633, or the other acts of parliament referred to in the act 1707, bars the clergy from obtaining more than one augmentation, provided that augmentation had not been obtained by collusion, or is not below the minimum; it is to be observed that if the proposition I have endeavoured to establish, viz. that the act 1633, in so far as relates to tythes belonging to the titular, and to tythes belonging to the bishop, gave a complete right to what remained, after the stipend was once modified, is well-founded, it flows as a corollary that no subsequent augmentation could be granted.—In relation to the parsonage tythe, sold under the act 1690, I own that is the subject on which, from the discussion at the bar, I think your ldps have received the least satisfactory information: in this case, however, you are relieved from all consideration of the tythe thus circumstanced, as it is agreed by both parties that the tythe out of which this augmentation is claimed is tythe conveyed from the titular, in consequence of a purchase by the landholder, from whom the appellant derives his title.—There is still one observation of some importance that arises out of the act 1707, from the use there made of the phrase, "to grant augmentations,"—a term seemingly copied from the act 1690, and which is not to be found in the act 1633. It is the more necessary to take this into consideration, as it appears that the chief argument on which the justice clerk, and some of the other judges, rest their opinion, is derived from the use of this phrase. To understand the import of it in the various acts of parliament in which it is used, it is necessary to attend to the circumstances of the times in which this phrase was first introduced. It is first to be found in the rescinded act 1641, and I apprehend that the meaning which your ldps must annex to it, is apparent when you recollect the legislative arrangements for the maintenance of the clergy at the time this act passed.—The commission 1617 and 1621 had proceeded to modify stipends under enactments that made 500 merks the minimum that was to be allotted to clergymen for their sustenance. The commission 1633 had acted under an act of parliament which directed that 800 merks should be the lowest: if therefore the words of the act 1641 had authorized the commission only to appoint constant local stipends, without the addition of the words, "and grant augmentations," it would have precluded that commission from taking under consideration the case of those ministers who had obtained 500 merks under the commission 1617 and 1621; and who had now a right to require that their stipends should be increased to 800 merks, the stipulated minimum, under the formal agreement sanctioned by the act 1633.—The act 1641, your ldps will recollect, was done away at the restoration; and the act 1661, which was passed at that time, contains the same powers to grant augmentations, obviously for the purpose of including the case of clergymen, whose stipends had been modified under the acts 1617 and 1621.—Such are the grounds on which I cannot help forming a decided opinion, that the act 1707 gave to the court of session powers to provide an adequate stipend, and to augment the livings of those who were provided with stipends under 800 merks, by the commissions 1617 and 1621, or to grant augmentations in parishes, where by collusion the stipends had been fixed at a sum under the minimum; but no power whatever to review the decisions of former commissions, or their own decisions, where a stipend above the minimum had been provided.—On the subject of the practice of the court subsequent to the union, there has been produced no direct evidence, to shew that the court for a length of time did not proceed on the idea, that this was the nature of the power they enjoyed. On the contrary, there is strong reason to believe that this was the view of the law under which they acted.—President Craigie's evidence certainly tends to establish this opinion: he was examined before the house of commons in the year 1751, and there is in his evidence the following remarkable passage:—'And being further examined, he was asked, whether, since the 'union, the heritors in augmentation suits 'have not been frequently under difficul'ties in proving their defences; that the 'teinds have been before valued, or the 'stipends before modified, by reasons that 'the records of the commissioners of 'Teinds, antecedent to the reign of 'Charles 2, were lost by shipwreck, and 'those from that time to 1702, were con'sumed by fire.' He answered, "That they had,"—clearly implying, that in his opinion a proof that stipends had been before modified under any commissions, was a defence from an augmentation claimed from the court of session, acting under the act 1707.—To the same purport is the evidence of Mr. Chalmer, father of an eminent solicitor who practises at your ldps bar, who seems to have possessed all the accuracy and assiduity that distinguishes his son: he says, 'That he had examined 'the records of all the decreets of the 'court of session, since the union to the 'year 1738, relating to the augmentation 'of ministers' stipends; and that he does 'not know any instance, or find any one 'upon record, wherein the court of ses'sion have augmented any living within 'that period which had before obtained a 'decreet of modification.'—These expressions, it is apparent, are perfectly general, applying to a decreet of modification under any former commission, and not confining themselves to an augmentation granted by the court of session since the union.—The same doctrine is asserted in the petition of the landholders to the house of commons, which is signed by president Dundas, and some other eminent lawyers.—Indeed, I may on this subject rely on the authority of the clergy themselves, for in the answer to the third and fourth reasons of dissent of the landholders, drawn up by the committee of the general assembly 1749, there is to be found the following passage, which strongly marks a coincidence of opinion on their part:—'One thing, however, we cannot omit to 'observe, that though by several acts of 'parliament, the clergy have right to an 'augmentation, the lords have held it as 'a rule, to augment no stipend modified 'and localled since the union although 'many cases occur in which such aug'mentation ought to have been granted.' —It is to be observed, that the meaning of this passage must depend entirely on the punctuation. It may mean that the lords have since the union held it as a rule to augment no stipend, antecedently modified and localled; or that the lords have held it a rule to augment no stipend, where the decreet of modification has passed since the union; but the history of the times, as admitted by the respondents in this case, clearly shews that it must have the former meaning. It is here stated, that many cases occur in which such augmentations ought to have been granted, which is perfectly consistent with the former interpretation of the sentence, but quite inconsistent with the latter; as the respondents admit that there was no case in which two augmentations of the same living had been granted since the union, previous to the year 1749, except the case of Kettle in the year 1742, and the word 'many' never could have been applied to the single case of Kettle; which case turns out, on examination, to have been erroneously referred to, as it was a decreet of locality, and not a second augmentation that was given in the year 1742. Thus the clergy themselves must be understood in the year 1749, to have sanctioned the interpretation of the law here contended for.—It certainly, however, appears to me, that even at this period there was some loose idea of a rule existing, that the court of teinds might grant one augmentation in every parish, and that they then considered themselves as functi officio with regard to that parish. But at what time this rule was first acted upon, how or by what authority it was introduced, has been explained by neither party at the bar.—On the nature of the rule, the parties seem to me to be by no means agreed. The one side contends, that it was a rule of court, that only one augmentation should be given; the other contends, that it was a rule of court, that they would only grant one augmentation. If, however, I am right in stating that the court by the act 1707 had no power to augment in any case, where there had been a previous decreet of modification, this last must have been the nature of the rule; and indeed it is so explained by lord Braxfield, and lord Eskgrove, in the notes of their speeches 1787, who on that occasion describe this rule as a stretch made by the court. It was, probably, gradually introduced, and originated in the extreme difficulty of discovering whether a parish had been modified under the parliamentary commissions antecedent to the union, in consequence of the loss of part of the records by shipwreck, in the time of Charles 2, and the destruction of the remainder by fire in 1702. In whatever manner it originated, it is evident, that the court in practice ultimately assumed to themselves the power of granting in every case one augmentation; and it is equally clear that there is no instance on record, in which two were ever granted till the case of Kirkden, which came before this house in 1784.—It is true, the respondents have relied on a list of no less than fifty-three cases, wherein they have asserted that second augmentations were granted previous to this Kirkden case: on examination, however, it appears that these are all either cases which proceeded on consent, or cases where decreets of localities were granted, subsequent to decreets of modification; and far from affording evidence to support the proposition for which they were brought forward, one of them, viz. the case of Marytown, affords evidence that establishes the contrary position; the interlocutor pronounced in this case, 25th Feb. 1753, is to the following effect: 'Having considered the prepared state and 'foregoing debate, in respect of the decreet, of modification and locality, anno '1718, find the process of augmentation 'not competent, and assoilzied the defenders therefrom, and decern.'—Such was the law, and such appears to have been the practice of the court, when in the year 1778 the minister of Kirkden brought his action for an augmentation before the court of session. In this process, appearance was made for the heritors, who contended, that as the petitioner's predecessor in office had obtained a decreet of augmentation in the year 1716, the court had no right whatever to grant any further augmentation. On advising the cause, the court found the pursuer barred by the decree of augmentation 1716. A reclaiming petition was given in, and the court altered its interlocutor, declaring that 'the decree 'of modification in 1716, after giving a 'proper allowance for furnishing communion elements, the stipend thereby modified is within the minimum, and therefore find the pursuer not barred from insisting for an augmentation.'—The heritors in their turn reclaimed, and the lords declared that they again altered their interlocutor of the 3d of March, and recalled the directions given to the heritors on the 16th of June last, to swear to their rentals in the usual form, and adhere to their interlocutor of the 16th of July 1778.—Against this decision a petition of appeal was presented to this house, the terms of which it is highly necessary for your lordships to attend to:—the powers of the court of session acting as a commission of teinds, are noways brought under your consideration: it is stated, that 'in 'this process, appearance was made for 'the heritors, who contended that as the 'petitioner's predecessor in office had obtained a decreet of augmentation in the 'year 1716, the petitioner was thereby 'barred from insisting in this present process in terms of a resolution, of the 'Court, by which it is declared that 'where any augmentation has been obtained by decreet of the Court, posterior 'to the year 1707, that no new augmentation of the same stipend shall be granted. Parties having been heard upon 'this point, the following interlocutor was 'passed, that the pursuer was barred from 'insisting in this process, by the decreet 'of augmentation 1716; and therefore assoilzied the defenders, and discharge the 'action.'—Such is the statement made by the petition of appeal in that case, from the cases both of the appellant and respondent, which by the law of Scotland must be deemed to form part of the records of the court. It distinctly appears, that this was the question argued before lord Thurlow. The appellant specially states in the reasons for reversing judgment, that the respondent cannot bar the appellant from insisting in the present action, under the authority of a pretended rule of court, by which they say it is declared that no addition can be made to a stipend, which has already been augmented by a decree posterior to the year 1707; and the respondent joins issue with him in this point, by declaring in the reasons annexed to his appeal case, that 'it is the established rule of court, not to 'review or allow such decrees to be over'hauled upon any pretence, where an aug'mentation has been given since the 'union.'—Thus whilst the petition of appeal plainly shews that the judgment of the court of session was arraigned, because it had proceeded on the ground of the existence of a supposed resolution of that court; the cases both of the appellant and respondent bear evidence that it was argued in this house on that ground, and the whole tenour of the notes of lord Thurlow's speech, in giving the judgment now published in the memorial for the minister, proves that it was argued and decided upon this principle. 'If,' says that noble lord, 'that is the law of the land, it must 'be good: but, if only a principle of dis'cretion, the discretion erected into a rule 'is inept; unless the law has furnished 'that rule.' This sentence alone, which shews on the one hand the law of the land, had not been rested upon in argument, because in that event he never could have expressed the doubt which he states; and on the other, that he felt that just indignation which he must have felt, at the court of session assuming to themselves the power of making any rule on the subject, is evidence, that the judgment reversing the interlocutor of the court of session in this case, decided the only question that was then before the house, viz. the efficacy that ought to be given to the pretended rule of court. It is against this rule that lord Thurlow specially expressed his indignation; he says, 'In none of the books 'is there the smallest trace of this rule; 'and when the lord advocate says, the 'court are in the daily practice of it, he 'must mean that it is an idea always afloat 'in the minds of the judges.' And he concludes, by declaring that 'the court 'have no reason in expediency, or autho'rity in law, to say they will not look 'into it.'—Into what? why, most certainly, into the law of the land, which in the prior part of his speech he had declared could alone regulate the proceeding.—It is in vain, therefore, to say that this was a decision on the general point of law: there is the strongest evidence that the point of law never was argued before this house, and that my lord Thurlow, if he is supposed to decide the point of law, must have done what nobody will accuse him of doing; i. e. he must have rashly decided a point of law not before him, and noways argued or discussed by the counsel.—It is further to be observed, that lord Thurlow, by reversing the interlocutors complained of, gave efficacy to the interlocutor of the 3d of March, which declared that the stipend modified 1716, was within the minimum, so that in truth the judgment simply reversing the interlocutor complained of, was a judgment of this house, proceeding on the specialties of the case.—The other case, in which the court of session in their interlocutor have found that your ldps decided the general question of law, is the case of Tingwall, which was first brought into court in the year 1785, when the heritors appear to have pleaded in bar a previous augmentation granted in the year 1722. But before I call your attention to the decision in this case, I must make an observation on the nature of the proceedings which took place, as they prove beyond a possibility of a doubt what at that time was the general opinion of the judgment given by the house of lords in the case of Kirkden. —If this house, by reversing the interlocutor of the court of session in the case of Kirkden, had been understood to declare the law, as is argued by the respondent, and to have decided the competency of that court, acting under the act 1707, to re-augment stipends as long as the tithe of the parish remained unexhausted, could there have been an argument in the court of session on the subject, far less an unanimous decision on the incompetency of the court, when they must have all known the recent judgment moved by lord Thurlow in this house? On the other hand, if they were in the knowledge that the decision of this house was granted on that noble lord's having arraigned as inept any resolution of their court, which barred a due consideration of what was the law of the land on the point—was it not natural to expect, that, driven from the ground behind which they had for years entrenched themselves, they would be forced to discuss the law, which, relying on the rule, had not of late been the subject of their consideration, accordingly as might be expected? Those of your ldps who have attended to the proceedings in this case, must recollect that after a hearing in presence, and memorials being given in, there took place a very learned discussion on the abstract question of law, which ended in an unanimous judgment of the court, against the power that was contended for. —The notes of the judges speeches are printed in the memorial for the appellant; and though lord Thurlow had, on the authority of the lord advocate, now lord president, stated that the court was in daily practice of referring to the rule which was urged as a bar in the Kirkden case, not one syllable is said on that subject throughout the speeches then made; clearly proving that the decision in the Kirkden case must have shut their mouths on a subject to which on similar occasions there is evidence they had daily habits of resorting.—In this case of Tingwall there were special circumstances in favour of the clergyman, on which it is at present needless to dwell. Your ldps have in the notes of the judges speeches on this cause, evidence, that when it came into the court below, the parties agreed that the general point of law should be there argued, and that no specialties should be founded upon; so says lord Robertson, who was counsel for the clergyman, and lord Newton who acted as counsel for the heritors; and this is confirmed by lord Armadale, in the very able speech he delivered on that occasion.—The interlocutor of the court was given in the most general terms dismissing the process; and upon advising on a reclaiming petition from the minister, the court adhered:—against this interlocutor, an appeal was presented to this house: the printed cases on this occasion shew that the parties, as in the court below, confined their argument to the general question of law; but the specialties of the case appeared on the record, and the judgment proposed by lord Thurlow, and adopted by the house, is conclusive evidence that this house came to no judgment on the general point of law; it is clear that the noble lord, in the interlocutor he proposed in the Kirkden case, told the court of session, they should decide not upon their own rules, but upon the law of the land; and it is equally clear that he meant to inform them by this interlocutor, that justice required they should in the decision of every case, take the actual circumstances into their consideration. The judgment is in the following terms:—'Having considered the terms of 'the decree of modification and augmentation, which, as the libel alleges, was 'obtained by the minister of the said 'united parishes in 1722, and that the minister was, in consequence thereof, allowed to possess the ipsa corpora of the 'teind till lately, when the heritors proceeded to obtain a decree of locality: it 'is ordered and adjudged, that the several 'interlocutors complained of be reversed, 'and that the cause be remitted back to 'the court of session in Scotland, as commissioners for the plantation of kirks and 'valuation of teind, in order that parties 'may be further heard upon the effect of 'the above circumstances, and upon the 'state of those teinds in these united parishes, without prejudice to any plea or 'argument which either of them may adduce; and that the said lords commissioners may then give their determination 'accordingly.' This judgment speaks for itself: it is impossible by any torture of interpretation, to use the phrase ascribed to lord Thurlow, to conceive that it was a decision of the general point of law. If your ldps had the evidence of the whole fifteen judges, that it was so considered, the tenour of the judgment is such, that they could only impress upon your mind astonishment at the misconception that had taken place. But is this the case? It is true the justice clerk informs you, that this is his recollection of what passed; that the lord president states to you, 'That if any gentleman thinks 'that the case of Tingwall was decided 'on specialties, and not upon the general question regarding the power 'and duty of the court under the construction of the act 1707, he deceives 'himself; for it is most certain, the cause 'was argued and decided upon the general question alone.' These learned judges were both of them counsel in the cause. It is admitted, that the general question of law was alone argued from the bar; and it is natural, that impressed with a recollection of their argument, they should at a distant period of time fancy that the judgment was founded on it, and not on the specialties contained in the record; but what account did this very lord president give of the decision at a recent period after it took place? Lord Newton tells you, that so far was the judgment of the house of lords from being considered as a decision on the general merits, that he was 'informed by a 'right honourable counsel, who pleaded 'the cause in the house of lords, on the 'part of the heritors (meaning the lord 'president), that it would require no fewer 'than three appeals, iu cases which stood 'in different circumstances from one another, to obtain a decision on the general 'point at issue,' clearly shewing that the impression on his mind at that time, was accurate with regard to the decision of the house of lords; i. e. that the decision was what the words in which it was conveyed prove it must have been, a judgment dictated by a consideration of the specialties of the case.—From these details, it must appear evident to your ldps, that the only decision ever given on the general point of law, concerning the competency of the court to reaugment, was the unanimous decision pronounced in the Tingwall case, by the court of session itself. It is impossible, therefore, that your ldps can affirm an interlocutor, which states you to have decided in two cases a point of law, on which certainly you never pronounced any decision.—If, therefore, I cannot agree to the justice of that view of the law, which lays down that the court, under the act 1707, had power to reaugment out of tithes sold by the titular to the landholder, till they were completely exhausted: on the other hand, it is impossible to accede to the fact stated in this interlocutor, that this house had recognised such an interpretation of the statute, by a judgment which it never gave.—In the course of the pleadings, your ldps have had various quotations from Forbes on Tithes; from sir G. Mackenzie's Observations on the Statutes, from lord Bankton, and from the Institutes of Mr. Erskine. With respect to most of the passages which have been relied upon, when examined, they are mere affirmations of a proposition never contested, that the tithe of the landholder in all parishes not modified, is subject to such provision for the clergy, as the court acting as a commission shall appoint.—In Mr. Erskine's works undoubtedly there is a passage, which can alone be considered as maintaining the opinion, which the interlocutor under review has expressed; but, whatever weight may be due to the authority of any law-writer, when the statutes themselves are clear, and the meaning of their enactments unquestionable, it is impossible that any authority can be relied on, to do away that which the legislature has so distinctly declared, and which the court had confirmed by their judgments immediately after passing the act.—Your ldps have been told, that in this case you have the advantage of the opinions of the judges corrected by themselves; I have had already occasion to mention the opinion delivered by lord Armadale, in the manner which I think it merits; but I must conceive it to be an exercise of charity, not to animadvert on many of the opinions that have been printed. They are in truth defences urged by the judges for their own conduct, which they might have made, without reading the learned arguments in this cause, which have done credit and honour to those who framed them.—In some of the opinions, the learned judges have assumed the character of witnesses, and I am sorry to say that in that capacity their recollection of the facts appears to me as remarkable for inaccuracy, as their legal arguments are for want of research and investigation, on a subject which did demand their utmost attention.—There is now only one important point to consider: certain it is, that founding on this misconception and misrepresentation of the decisions of your ldps house, the court of session have now for a length of time, and in no fewer than 800 cases, augmented stipends, many of which augmentations, had it not been for this misconception of the law, would not have been granted. But it is impossible that any series of decisions, where the law was never controverted; where from the silence of the heritors you have a right to suppose that they waived the defence which the law authorized; can have the effect of altering what is the clear and undoubted law of the land.—In the course of the pleadings in this cause, various cases of second augmentations proceeding with the consent of the heritors, have been stated to your ldps. Auchendoire, Edenkellie, at a very early period, afford instances of this nature; and in the case of Lochcarron in 1768, a reaugmentation is especially given in respect of the heritors' consent; but in the pleadings in the case of Kirkden or Tingwall, in the opinions of the judges delivered in this last case, no allusion is made to precedents such as these, which, from the circumstance of consent, must have been deemed inapplicable: if a decision is given in one instance, the court may proceed, without inquiry, to act on the same principle in five hundred cases: it is only when the point is argued and fully canvassed, when the attention of the judges is called to it by the parties, that they have an opportunity of reviewing and reconsidering their judgment; and on this subject I have the authority of the court of session itself; for though betwixt the decision of the Kirkden and Tingwall cases there were no less than twenty cases decided, without the heritors arguing the legal defence, yet in the pleadings this circumstance is unnoticed, and it did not prevent the judges from coming to a unanimous decision, that the court had no right to re-augment, which is the only decision on the general point of law that ever was given, either in that court or in your ldps.' house.—If I had any doubts, whether those decisions in which the general question of law never has been argued, ought to weigh with your ldps in the case you are now called upon to decide; I should be relieved both by the numerous authorities of writers on this subject in the law of England, and from the decided opinions given on this point, no longer ago than last night, in your ldps' house; when it was clearly laid down, that though the judgment of a court is the most respectable authority for what was the received sense of the law at the time it was given; no series of decisions ever can do away the will of the legislature clearly expressed.—In submitting to your ldps the propriety of reversing this interlocutor, I feel great satisfaction in thinking that, if I prevail, your ldps' decision will convey a mere declaration of your sense of the law, without in any degree affecting the interest of any of the parties. Your ldps have heard a great deal from the respondent, of the confusion that would be created from this circumstance: I do apprehend, however, that this can have no weight with you, in regulating your judgment. Even if the mischief was to be as extensive as it is represented, it might be a serious subject for your ldps' consideration in your legislative capacity; but, acting in your judicial capacity, it is a view of the question which ought to be excluded from your minds. In truth, however, it is a small portion of the eight hundred cases of augmentation granted under this erroneous view of the law, that could be affected by this decision: those augmented within these five years, are the only cases which, in consequence of your judgment, would be liable to be questioned.—No one can be more sensible than I am, that in these cases the interposition of the legislature is necessary: that an act of the legislature must be passed regulating the granting of augmentations to the clergy of Scotland, is a proposition generally acceded to, and nothing can be more easy than the introduction of a clause, quieting those in the possessing of their augmentations, who have obtained them within the last five years.—I think it fortunate too, that the interest of the clergyman, the respondent at your ldps' bar, cannot be materially injured. It is more than fifteen years since he obtained his last augmentation; and though it may not be regular to allude to any intended act of the legislature, still it is perfectly known to the public, that the legislative measure, which may probably be adopted, will not preclude this reverend gentleman from immediately coming before the court, to obtain that augmentation for which he is a suitor at your bar.—It now only remains for me to apologize to your ldps for having so long occupied your attention; and to read the judgment which naturally flows from the principles I have endeavoured to establish: "In respect it appears to this house, that, by the act 1707, c. 9, no powers are given to the court of session, as a commission of teinds, for augmenting or modifying stipends out of teinds held by the titular under an heritable right, or purchased from the titular by the heritors in terms of the decreet arbitral of Charles 1, confirmed by parliament, others than those given to the commissioners appointed by act 1633, c. 19; and that the said commissioners, under the act last mentioned, had no powers out of teinds of the above description, to augment any stipend which had once been modified by them or by any former commission, and did not fall short of eight hundred merks; and in respect it further appears, on examination of the records of this house, that no judgment was pronounced by this house, declaring the powers of the court of session to reaugment stipends, and review the decrees of augmentation pronounced by themselves or by former commissioners, as is found by the interlocutor complained of; therefore, it being admitted that the stipend of the respondent was modified and augmented in 1793, and that the tythes of the appellant are tythes acquired by purchase from the titular; it is ordered and adjudged that the interlocutor complained of be reversed."

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* From the original edition, printed for J. Ridgway, Piccadilly, 1808.

The *Lord Chancellor,* at considerable length, contended, that the usage upon this point, in favour of a second augmentation, ought not to be disturbed, and was of opinion that the interlocutor ought to be affirmed with some alteration.—After a few observations in reply from the earl of Lauderdale, the motion was negatived, and the interlocutor of the Court of Session affirmed.

HOUSE OF COMMONS.

Friday, May 20.

[MR. PALMER'S CLAIM.] The house having resolved itself into a committee, Mr. Fuller in the Chair,

Mr. *Lethbridge* moved, "That the chairman be directed to move for leave to bring in a Bill to secure to Mr. Palmer his future per-centage on the net encreased Revenue of the Post Office, according to the provisions of his Appointment in 1789."

Mr. *Bankes* wished to know from the hon. gent. whether the present Bill was to embrace all the compensation? If it was not so, he confessed he should be disposed to object to any plan that would take from the other house its right of interference; for if this was not to be the only measure, and if another was to be comprehended in a mere Grant of that house, the other branch of the legislature would be, he thought, unfairly deprived of their right of deciding upon the merits of that Agreement. He was of opinion, therefore, that it would be desirable that the entire amount of Mr. Palmer's Claims should not be divided, but comprehended in one bill. He wished to know from the hon. gent. how far he concurred with him in the view he had taken of the subject.

Mr. *Lethbridge* replied, that it certainly was not his intention to incorporate the arrears due to Mr. Palmer with the grant of per-centage, to be authorized by the Bill for which he had moved. He conceived, that the proper way of providing for the arrears of the per-centage would be by a vote of the house in the committee of supply.

Mr. *Bankes* wished to know out of what fund it was proposed to take these arrears.

Mr. *Lethbridge* replied, that that would be for the house itself to determine whenever it should regularly come before it; but if he might hazard a conjecture, he should be inclined to think, that the Post Office Revenues, which had been so considerably benefited by Mr. Palmer's invention, would be the fittest source to draw upon, for whatever further compensation it might be deemed necessary to remunerate him with.

Mr. *Bankes* then said, that certainly if the house still considered the original Agreement as valid and binding, the Arrears could only be taken out of that revenue: now, that revenue was yearly carried to the Consolidated Fund, and therefore out of that fund the arrears must in fact be taken. But he believed that that could only be done by an act of parliament, and not by a vote of the house. He might quote many precedents in support of this opinion, and indeed there was even one in the present session, namely, the pension to lord Lake, which was granted both retrospectively and prospectively, and part of which was in fact for the payment of a debt or arrears from 1803. This mode, then, was not only supported by precedent, but was also important in another point of view, as affording the other house of parliament, possessed of coordinate powers, an opportunity of investigating the whole Claims of Mr. Palmer, and thus reviewing the subject, and perhaps correcting the opinions of this house. This he conceived was much preferable to a simple vote of the Arrears in this house; and upon looking back to the Journals, he had observed that the lords had in a variety of instances corrected the too profuse liberality of the commons in granting to individuals on the score of discoveries. Here the hon. member mentioned several instances of this sort, and concluded by moving, that the word "future" be left out in the motion, for the purpose of having the whole Claims submitted to the lords.

Mr. *Marryat* opposed the remuneration altogether. He thought Mr. Palmer, by his own misconduct, had violated the principles of his Agreement, and forfeited his claim to the remuneration. Justice was always represented with a scale in one hand and a sword in the other. He never could divest that goddess of her attributes, or think that reward should take the place of punishment.

The question being loudly called for, the committee divided, when there appeared,

For the original Motion - - 63
For Mr. Bankes's Amendment - 21
Majority for the original Motion—42

While strangers were excluded, we understand the Speaker, in a short but impressive speech, supported the claims of Mr. Palmer with his wonted precision and ability. On the re-admission of strangers, Mr. Fuller, as chairman of the committee, put from the chair the original resolution, moved by Mr. Lethbridge, which was agreed to; and on the house being resumed, Mr. Fuller moved and obtained leave to bring in the said Bill.

[EXPEDITION TO THE DARDANELLES.] Mr. *Taylor* rose to move his promised Resolutions respecting the Expedition to the Dardanelles, but from the manner in which his speech was delivered, it was impossible, with the utmost attention, to catch more of it than suffices for a mere summary. He began by observing, that from the public notice which this Expedition, with all the circumstances connected with it, had excited, it was necessary that some inquiry should be instituted concerning it, a thing equally due to those who had planned it, and those to whom the execution had been entrusted. He stated, that before he had seen these Papers, he was rather inclined to think favourably at least of the object of the expedition; but he was now of opinion that it was founded neither in justice nor policy. In order to prove the injustice of the Expedition, he entered upon the consideration of the nature of the connection between this country and the Porte, and said, that the only ground we had for interference, was, the treaties of 1798, between Russia, England, and the Porte, the obligation of which treaties had become void by the peace of Amiens, after which any right we or the Russians had to sail in the Turkish seas ceased. The Russians had only acquired a right to pass from the Black Sea in single ships, for the purpose of throwing supplies into the Ionian republic, which right was to be at an end when that republic should be settled, and it did end when the whole fell into the power of Buonaparte; and he contended, that our negociations to reconcile the Porte and Russia, ought to have been carried on at Petersburg, rather than at Constantinople, the Russians having been the aggressors. The hon. gent. then proceeded to consider the policy of the Expedition, and maintained that it was extremely unwise, for any trifling object, to alienate from us the minds of the Turks, who had been extremely well disposed to us. In order to prove that this was the case, he read a variety of documents, proving the favourable disposition of the Turks, Mamalukes, and Arabs, in Egypt, and throughout the Ottoman empire; observing at the same time, that the persons at the head of the Turkish government were no less favourably disposed towards us than the people. He also found fault with the way in which the orders for the execution of this enterprize had been arranged. By passing the Dardanelles, which we had no right to do, we had commenced hostilities before negotiation. The ambassador had been unwisely trusted with too much discretionary power. The attack on the Turkish ships was an useless object; the number of ships was not equal to the enterprize; and lord Collingwood ought to have been allowed to choose any officer he pleased, to conduct the Expedition. With respect to the expedition to Alexandria, he had not been able to see its object and policy, and it had been so mismanaged as to bring dishonour upon the British arms. The hon. gent. read a variety of documents in support of his argument, and concluded by moving four Resolutions, the first of which was as follows, viz. "That his majesty's fleet, under the command of sir J. Duckworth, appeared in the vicinity of Constantinople, on the 20th of

Feb. 1807, and after having remained there for ten days, retired without effecting any important object." The other Resolutions went to express a sense which the house entertained of the disgrace that the disastrous result of the Expedition reflected on the honour and character of his majesty's arms.—On the first Resolution being put,

Mr. *T. Grenville* expressed the satisfaction which he felt, after such repeated delays, in at length finding the motion substantially before the house, and in such a shape as to render it tangible. Far was he from complaining of the institution of inquiries of this nature. On the contrary, he deemed it most desirable, that those men who had exercised public functions should be called upon, in the face of the house and the country, to account for their conduct. More particularly were he and his colleagues gratified by the institution of the present enquiry, which would enable them to remove any unfavourable impression with respect to their conduct in this affair, if such impression existed, although if it did, he was at a loss how to conceive in what it could have originated. As well as he could understand his majesty's present ministers, they had expressly disclaimed any participation in the institution of this enquiry, still, however, thinking it their duty to consent to it, and to allow of the production of the papers on which it was to be founded. All this was right and judicious enough. If he had any complaint against them, it was, that although they had never themselves asked for or appeared to warrant an enquiry, they had repeatedly, by insinuations and collateral arguments, endeavoured to produce a feeling against his majesty's late government, which it was impossible that at the time they could combat. He alluded particularly to the observations of the right hon. secretary of state for the foreign department, who, in a moment, certainly not of deliberation, but of violence and impetuosity, had accused the late administration of conduct, of which the official documents in his possession must have convinced him that they were innocent. That right hon. gent. had complained that his majesty's late government, at the requisition of the court of Petersburgh, made a diversion in the south of Europe, with ships without troops, when that requisition was for both ships and troops. No argument was necessary on this occasion. Let the house look at the papers on the table, and they would perceive, that so far from the Expedition to Constantinople arising out of any such regulation from the court of Petersburgh as that alluded to, it originated in the negociation that was carried on by Mr. Arbuthnot at Constantinople itself. He did not mean to follow the hon. mover of the present question at any great length, because without meaning any disrespect to him, he did not think that there was a man in the house who would adopt the line of argument pursued by the hon. gent. The right of interference between Russia and Turkey, which G. Britain possessed, was indisputable. Both the treaty of 1799, and that which followed the peace of Jassy, had for their object to connect in one bond of union the three countries. By the Convention entered into between Russia and Turkey, on the 21st of March, 1800, the passage of the Bosphorus, with troops, military stores, &c. was reciprocally secured to each power. When, therefore, this Convention was violated on the part of the Ottoman Porte, was it necessary to point out the policy which induced the British government to maintain the rights and interests of Russia unjustly attacked? In doing so, the late administration had only followed up the line of conduct pursued for a long course of years by their predecessors, who had thought, that it was the interest of G. Britain to support and extend her connection with Russia. That the government immediately preceding the last were unequivocally of this opinion, was evident from the three documents to that effect upon the table. Thirty documents instead of three might have been laid on the table to prove this, but, doubtless, it was conceived by his majesty's present ministers that those produced were amply sufficient.—Passing over the deposition of the Hospodars, the representations made by Mr. Arbuthnot of the growing influence of France in Turkey, &c. he would call the particular attention of the house to the Note from Sebastiani, the French minister, which the hon. gent. had said appeared to him to contain much solid reasoning and nothing objectionable. That it contained nothing objectionable to a French ear, he did not doubt, but that a member of the British parliament should express himself in such a manner with respect to it, was a circumstance that he confessed he could not have believed had he not witnessed it. This note was full of the violence and insolence which abounded in the numerous compositions of French diplomacy. The writer declared, "that if in the difficult circumstances of the times, the Ottoman Porte did not form the decision which her interests required, he should have ere long to lament her fate." He stated that "he had received positive orders from the emperor, that the Bosphorus should be shut against all Russian ships of war and all Russian vessels carrying military stores, &c." and this at a time when Sebastiani must have well known that Russia had a right by treaty to send what ships she pleased through the Bosphorus. In a succeeding paragraph of the note it was observed, "that that passage could not be opened to the Russians by the Turks without committing an act of hostility against France, and giving to Napoleon the Great the right of marching troops over the territory of Turkey, that he might combat the Russians on the banks of the Dniester." Was all this unobjectionable? Then followed an intimation that a declaration of war by France would be the consequence should the Ottoman Porte turn a deaf ear to the representations of the French minister. "His majesty the emperor," said he, "has a large army in Dalmatia, assembled there for the defence of Turkey; but unless all ambiguity is removed, and the conduct of the Ottoman Porte proves that she is not inclined to favour the cause of Russia and England, that army will be used for the directly opposite purpose;" an immediate and categorical answer was required to this demand.—Having said so much on this Note, he would now advert to the excellent commentary upon it, contained in lord Howick's dispatches to Mr. Arbuthnot, of the 14th and 20th of Nov.; by which dispatches it must be evident to the house, that the accusation preferred by the hon. gent. against the late government, as entertaining a hostile feeling towards Turkey, was groundless. In the first of these dispatches, dated the 14th of Nov. lord Howick directed that every practicable mode of amicable remonstrance should be used for the purpose of endeavouring to recall the Ottoman Porte to a better line of policy. Mr. Arbuthnot was instructed in that dispatch from lord Howick, to acquaint the Turkish government, that if they would let the Russian ships pass, all appearance of hostility should cease on the part of G. Britain.—The right hon. gent. then proceeded to shew, that Mr. Arbuthnot had written to lord Collingwood and lord Howick, stating how desirable it was to send a force to the Dardanelles to support his negociation with the Porte. Sir T. Louis had in consequence been dispatched with three sail of the line by lord Collingwood, and the intelligence of that proceeding had been received in this country at the time when his majesty's late ministers were considering the propriety of sending a naval force to that quarter. They instantly approved of what had been done by that gallant admiral, and measures were taken for dispatching a larger force on that service. Some comments had been made on the nature of that force, but the house would judge of its sufficiency from the statement of Mr. Arbuthnot on the 29th Sept. that it was impossible for the Porte to withdraw its fleet to a place of safety. It was the opinion of all naval men with whom he had conversed upon the subject, that there would be no difficulty in passing the Dardanelles. He asked, therefore, as this was a new expedition, what could the government do but collect all the authentic information they could from professional persons and others, upon which to act? It was expected, too, that assistance would have been afforded by the Russian fleet; and that such expectation was not ill founded was evident from the circumstance of eight sail of the line of that fleet having joined Admiral Duckworth four days after he had repassed the Dardadelles, for the avowed purpose of co-operating against the Turks.—As to the delay that had been charged upon the late government in sending out a force, that was not imputable to the councils of his majesty's ministers. On the 9th of Nov. they received the information which led them to send out that naval force, and on the 22d of that month six sail of the line were completely equipped for the reinforcement of lord Collingwood's fleet, though, unfortunately, from the state of the weather, they could not sail for six weeks. As to the employment of troops, the question was, whether any could have been sent out in time to accomplish the object in view, namely to attack the castles at the Dardanelles, before they should be able to place themselves in a state of defence. Mr. Arbuthnot represented the works as in a state of progressive and daily improvement on the whole line of the Bosphorus; and as the application for troops should come through lord Collingwood off Cadiz to this country, it would have been the middle of April before the troops could have arrived at their destination, when the works would have been completely secured against attack. No naval man with whom he had consulted, either before, or pending, or since the expedition, was of opiuion that any troops were necessary for passing the Dardanelles. It was a desperate service to attack a battery, but the bravery of British seamen made them despise the danger of passing batteries. But when gentlemen talked of troops, did they mean that an army of 60,000 men, or only a detachment of 4 or 5000, should have been employed on the occasion? The former could not be spared, and it would have been imprudent and unavailing to risk the latter in an operation within fifty miles of Constantinople, where 200,000, not men, but soldiers, were collected to march against the Russians.—He came, then, to the Resolution respecting the expedition to Alexandria, and if he had not heard the manner in which the hon. gent. had brought that forward as a matter of charge against the late government, he should have supposed that his object was to found upon it a censure of the present ministers. There were upon the table the instructions sent out by lord Howick to general Fox, directing that he should not give orders for the embarkation of the troops till the actual commencement of hostilities with the Porte; and sir John Duckworth was instructed to dispatch immediately upon that event taking place, a fast sailing vessel with the intelligence to general Fox, in order that he should, upon receiving it, make the necessary arrangements for the embarkation of the troops. The object of this Expedition was the capture of Alexandria, and not the conquest of Egypt. It was intended to secure Alexandria, and consequently Egypt from falling again, into the hands of the French, and to afford protection and encouragement to any party there might be in the country, favourably disposed to the British interests. The capture of Alexandria was, therefore, an act of effectual warfare. But, was it meant to be said or implied, that because the Expedition against Rosetta had been unfortunate, that was to be charged upon the planners of the Expedition which had been successful? He did not mean to go more minutely into this case than was absolutely necessary, and he should regulate what he had to say upon it with all the delicacy that was due to the officers of the army. He must however say, that the keeping of Alexandria, or the final evacuation of that city, was not affected by the difficulty of procuring provisions, without the possession of Rosetta. He had no official documents upon this question, but he had the authority of the most respectable naval and military men who had served there, to say, that so far from Alexandria having been in want of provisions, rice and corn were allowed to be exported to the Greek Islands in the months of June, July and August, up to the period of the evacuation. And this exportation was allowed, after reserving one year's rice, and six months wheat for the inhabitants, as well as six months provisions for the army. Besides, with the great naval force we had along the coast of Egypt, we might have supplied Alexandria from the Greek Islands, even though all supply from the interior was cut off. If any blame was imputable, it was to the present ministers who had given up Alexandria, at a time when they were endeavouring to open a negociation with the Porte, in which the evacuation of that city might have been looked upon as a concession to influence the Porte in our favour, and withdraw that power from the influence of France. It might be said, perhaps, that the city had been evacuated, in order to set free that portion of our military force which formed its garrison, and if they had been employed in any profitable operation since, that might be a justification. But they arrived at Syracuse from Alexandria; on the 25th of Nov. at Gibraltar; and on the 28th of Dec. in England, where they found that eight days before 10,000 troops had left England to look at Ceuta; he wished it had been to look into it. The right hon. gent. then briefly recapitulated the points which he had endeavoured to establish, and concluded by asserting, that, upon a review of all the measures to which the papers on the table referred, there was not one act which he would not again resort to under the same circumstances.

Mr. Secretary *Canning* had listened with great attention to the statement which the right hon. gent. had made in defence of himself and his colleagues, and could not help being surprised at the manner in which he had kept to the declaration which he had made at the outset, that he would discard from his mind every idea of justification by recrimination. The right hon. gent. had very properly, in his division of the question, considered it in a political and military view, the former of which he had defended by the example of the predecessors of the late ministers, and the latter he had vindicated by a comparison with the measures of their successors. He did not, however, mean to impute any blame to the right hon. gent. for having departed from the declaration with which he had set out. The right hon. gent. was, undoubtedly, warranted in his wish to hear the opinion of some of his majesty's ministers upon this subject. The right hon. gent. had justified his own and his colleagues' conduct towards the Porte upon subsisting treaties, and particularly that of the triple alliance, and upon these he grounded the right of interference by an armed mediation. If any gentleman would but look into the treaty itself, he would perceive that the argument of the right hon. gent. could not be sustained. The triple alliance treaty had been concluded in 1798, and had reference to the situation and existing circumstances of the contracting parties, all equally at war with France at that period. The treaty had in it a stipulation, limiting its operation to eight years, after which it was to undergo a revision, and such alteration as the respective circumstances of the different countries might then render necessary; and that the treaty had been understood, even in this country, to have reference to the existing situation of the contracting parties, he believed that proofs were not wanting. The preamble of the treaty expressly stated these circumstances to which it applied; and could the right hon. gent. mean to assert, that a treaty negotiated with a view to existing hostilities in which all the parties were engaged, and followed, not by a joint peace, but by separate pacifications of each of these parties, must necessarily survive? Or, did he mean to say, that had it terminated with the war, it was necessarily to be revived on the renewal of another war, into which any of the parties might afterwards enter? If that were his view, it was contradicted by the facts; because that had not been the understanding of any of the parties, nor had the treaty ever been so acted upon. Great Britain renewed the war with France in 1803, but did Russia or did Turkey then go to war? The right hon. gent. said, that the treaty continued during the peace; but had G. Britain called upon either Russia or the Porte to join her in the war? Did the right hon. gent. therefore, mean to say, that this treaty, so concluded with reference to existing circumstances, sunk under the peace, and rose again, not at once but at three different times, and in three different parts? If they looked into the body of the treaty, they would find no better support for the argument of the right hon. gent. The treaty contained a stipulation guaranteeing the integrity of the Turkish dominions, as they were previous to the invasion of Egypt by the French. On this treaty the late ministers justified their measures for the conservation of Egypt by the capture of Alexandria. He would not deny that there might be cases in which it would be justifiable to make war upon a power that was in alliance before. He would not pretend to deny that we might have had a right to call upon Turkey to fulfil the defensive alliance with us: but then, after the lapses and laches which had taken place, we had no right to call upon this power for the fulfilment of that treaty. The right hon. gent. had asserted, that the refusal of the passage of the Dardanelles to the Russians had given to this country a right to assume an armed mediation; but as the passage was given by a subsequent convention, to which this country was not a party, we had no right, in virtue of an anterior treaty, to insist upon the fulfilment of that convention to which we were not a party; at least no writer upon the law of nations that he had ever read, had laid down such a doctrine. He admitted that the late ministers had shewn a disposition to conciliate Russia. But, however desirable it might be to make Russia believe we did not suspect her design upon the Porte, we should not precipitate ourselves into hostilities with Turkey, so commenced and so conducted as the war had been begun and conducted by the late ministers. When we did interfere, it ought to have been done in a manner that would not have given the Porte reason to suspect the sincerity of our views, nor Russia a right to charge us with not having interfered as we ought; and she must have expected we should not commence an interference by an expedition for our own advantage. He had not been in the house when the right hon. gent. began his speech, but he understood the right hon. gent. to have said, that no demand had been made by Russia for troops; but he could assure the right hon. gent. that a demand had been transmitted from St. Petersburg for a considerable body of troops; so that this was not so novel a part of the question as the right hon. gent. represented. The right hon. gent. had commented upon a note of M. Sebastiani, and the dispatches of lord Howick. He could not be suspected of being partial to the productions of the enemy, but certainly no one could read lord Howick's dispatches, without perceiving that he went great lengths to direct an armed interference to defeat the ascendancy of French counsels at the Porte. Notwithstanding the declaration of the right hon. gent. that he would abstain from recrimination, he had done upon this, as had been invariably done upon every other occasion when this matter was mentioned in that house—made it the ground of condemnation against the present government. The interference at Copenhagen was not more decisive in principle than this was. Here a force was sent to bombard the capital, not of a neutral, but of an ally; to burn the capital of a power whom we had taken an oath to protect. If you wish for war, enter into a definitive alliance; if you want to strip a power of part of its territories, enter into a stipulation to guarantee the integrity of its possessions! Here was the affair at Copenhagen justified; in this had the present ministers an acquittal from all the charges that had been made upon them with respect to that Expedition. If they could only be able to lay upon the table a copy of a treaty of defensive alliance with Denmark, the cases would be parallel, except that the Danish expedition was crowned with success, whilst the other was attended with defeat and disgrace; the calculation of the proportion between the means and the end being such as only to secure discomfiture. —The right hon. secretary then proceeded to quote several passages from lord Howick's dispatches, to shew that the doctrines they contained exactly corresponded with the principles upon which the Danish Expedition had been so justly undertaken, and so successfully executed. It was impossible that the Turkish fleet, passing the Dardanelles and the streights of Gibraltar, should attack any of the British possessions. On the contrary, the Danish fleet might, if once launched with a hostile view, be on our shores without a moment's notice. An intervention to procure, by pacific means, the arrangement desired by Russia, he did not condemn; but to interfere first by menace, and afterwards by violence, violence inadequate and unsuccessful, was what he did condemn. It was known that the passage of the Dardanelles would be regarded as an act of hostility; at least it was quite as natural to suppose that the approach to Copenhagen, the landing of troops, and the investment of that capital, would be received without resistance, or without a feeling of hostility, as that the passage of the Dardanelles, and the appearance before Constantinople in a hostile attitude, would be viewed by the Turks with calmness and indifference. The estimate of the strength of the castles, and the appointment of the British force, shewed clearly that there was an idea that the object of the expedition was likely to be regarded as hostile, and to be met with resistance. But, it was said the expedition appeared before Constantinople purely for Russian objects. The restoration of the Hospodars was a Russian object; but how was it demanded by the British commander? With the alternative of giving up the Turkish fleet! If the fleet had been given up, could the restoration of the Hospodars be still insisted upon? And if it was not insisted upon, and the British force came off with the Turkish fleet in pocket, what would become of our attention to the interests of Russia?—Thus much as to the justice of the expedition. Now, as to the policy, he would contend that the Russians ought to have been induced by all means to concentrate their whole force against the most powerful and dangerous enemy, Buonaparte, and not to have weakened it by unprofitable schemes upon Turkey. That ought to have been our policy also. There, as to the force, the inadequacy of it was such, that if sir T. Louis had not come away as expeditiously as he had done, his passage would have been totally cut off. The necessity of having a body of troops was also laid down by the naval commanders. It was asked, what the troops could have done? They could have taken and held Lestos castle, which was tenable and important. They might have taken the castle of Abydos, and destroyed it. These towers did great damage to the British ships in their return; and the admiral said, that if another week had been allowed to prepare the defence, the squadron could not possibly have returned. It was asked, what could 5 or 6000 British troops have done, when Constantinople had 200,000 men of military age among its inhabitants? They might have destroyed the castle of Abydos by a coup de main, and they might have held the castle of Lestos, where the 200,000 men from Constantinople could not have got at them. But the troops were sent to Alexandria to commit a double breach of alliance, and to incur a double failure. He did not think 5000 men could achieve miracles: he could hardly conceive that 5000 men could open a communication from Chili to Buenos Ayres, over the highest and most impracticable mountains in the world; but he did think they might have destroyed one small castle by a coup de main, and taken and held another in which no attack could have been made on them.—He again insisted on the insufficiency of the grounds of the Expedition in point of justice and policy, the inadequacy of the force employed, and the madness of sending a military force to secure a retreat. The return of the troops sent to Alexandria set free a part of the force in Sicily, which was brought to Gibraltar with a view to co-operate in securing the retreat of the royal family of Portugal from Lisbon, but that object was happily effected without the necessity of employing them. He defended himself and his colleagues from taking a forward part in this discussion. He did not see what practical benefit could result from a censure on persons who were no longer in his majesty's councils; and he thought it would be injurious to have on the Journals, a resolution reflecting on the honour of the country. If a vote of censure was proposed against ministers in office, supposed to have misconducted themselves, the passing of the resolution might lead to the removal of those ministers. No practical object being likely to be answered by the present motion, and the injurious and unpleasant consequences he had adverted to being likely to arise from the recording of such Resolutions on the Journals, he thought he should best discharge his duty by moving the order of the day.

Mr. *Windham* observed, that gentlemen semed to consider a treaty as binding, notwithstanding any change of circumstances that might arise. Now, he considered that a treaty was only binding as to what was within the purview of that treaty; a friend might, for instance, become our very worst enemy by change of circumstances. Was it to be supposed, then, that under every circumstance, or whatever might be the conduct of the power to which we were allied, we were still to adhere to it as firmly as if it not only fulfilled the letter and the spirit of the treaty, but as if it had gone further, as if it had proceeded to the utmost stretch of honour; were we still to look upon them with an eye of friendship, when we were convinced, not only of their awe of the power, but of their attachment to the cause, of the enemy? The letters of admiral Louis and sir J. Duckworth informed the government that force was necessary, and that every thing depended upon promptitude. He would, therefore, leave it to any officer, whether it would have been politic to have advanced and left the troops behind. The question was to be decided upon the principles of general policy, and not upon an *argumentum ad hominem;* and he maintained, that there was nothing, either in the principle of action, or the arrangement of the plan, which had been attempted to be controverted; it was not therefore, to be judged of, from what followed, instead of from what preceded, the transaction.

Colonel *Wood* endeavoured strenuously to impress the house with an idea of the impolicy of the measure.

The question was then loudly called for, and, after a short reply from Mr. Taylor, the question, that the other orders be now read, was put and carried without a division.

HOUSE OF LORDS.

Monday, May 23.

[MARRIAGE INDEMNITY BILL.] On the motion of the bishop of Exeter, the house went into a committee on the Bill for rendering valid certain Marriages solemnized in certain churches and chapels where bands could not legally be published. The blank for the day up to which such marriages are to be legal, was filled up with the 23d of August, 1808.

Lord *Redesdale* thought the clause for indemnifying the clergymen solemnizing such marriages objectionable, though he should not oppose it upon the present occasion. An intimation of an intention to oppose such clauses in future might perhaps have the effect of preventing the solemnization of these marriages.

The Archbishop of *Canterbury* observed, that the necessity for these bills arose out of the very different provisions which applied to different churches and chapels, in some of which marriages were allowed to be solemnized and in others not. From the previous habits of clergymen, many of them could not be supposed to be acquainted with these legal distinctions, and were thus unintentionally led to solemnize illegal marriages. Another cause also arose out of a clause in the Marriage act passed in the last reign, which declared all marriages illegal that were solemnized in any church or chapel in which bans were not then published. This was the great cause of these illegal marriages being solemnized, many clergymen not being aware of the distinction. He was afraid no effectual remedy could be applied, although every means would be used for that purpose, unless the legislature were to make a general enactment, declaring in what churches and chapels marriages should now be legally solemnized.

Lord *Redesdale* thought the suggestion might be carried into effect, by means of a clause in the present bill.

The Bishop of *Oxford* took an opportunity of mentioning the abuses that were practised with respect to the publication of bans, by means of parties taking a fictitious lodging in a parish different from that in which they resided, and having the bans there published. He knew of many very improper marriages which had taken place in consequence of this abuse, which he had in vain endeavoured to remedy.

The Lord *Chancellor* observed that it was the opinion of lord Thurlow, that the clergyman in such a case might be indicted for a temporal offence, it being the meaning of the law that the bans should be published in the parish where the parties dwelt, and it also being the duty of the clergyman to make inquiry as to that fact; although such marriages, being in themselves legally solemnized, were undoubtedly good.

After some further conversation, it was agreed to postpone the report till an amendment suggested by the lord chancellor, to compel the registers of these churches and chapels to transmit duplicates of the registry to the ordinary should be prepared. The house resumed, and the report was ordered to be received on Wednesday.

HOUSE OF COMMONS.

Monday, May 23.

[ROMAN CATHOLIC PETITION.] Mr. Grattan presented the following Petition:

The humble Petition of the Roman Catholics of Ireland, whose names are hereunto subscribed, on behalf of themselves, and of others, his majesty's subjects professing the Roman Catholic religion:

Sheweth; "That your Petitioners, as is set forth in their humble Petition, presented to this honourable house on the 25th of March 1805, are, by divers statutes, still of force within this realm, rendered liable to many incapacities and restrictions, not imposed upon any other description of his majesty's subjects: That your petitioners with confidence assert, and the assertion is supported by the testimony of many of the ablest senators and wisest statesmen which the empire could ever boast, that there is nothing in their conduct as subjects, or their tenets as Christians, which ought to disqualify them from enjoying equal privileges with his majesty's other subjects; and they beg leave to state, that they do not yield to any class of persons, in affectionate attachment to his sacred person and family, in due obedience to the laws, and in just predilection for the British Constitution:—That at the present period, which requires all the energies of the state, and the exertions of an united people, your petitioners conceive that they cannot offer a stronger proof of their loyalty, than by humbly representing to this honourable house their earnest wish to be altogether committed with their country, and reinstated in a full and complete enjoyment of the English government and laws:—For your Petitioners beg leave respectfully to submit to this honourable house, that the constitution of England is the great charter of this land, and inheritance of the dutiful and faithful subjects of his majesty. The constitution which the ancestors of some of us accepted, when they submitted to the crown, and on the faith of which the ancestors of others passed over, and effected their settlement in Ireland, was, that they should participate in the laws and liberties of England. Many concessions of his majesty's royal progenitors, and repeated acts of parliament confirmed the invaluable blessing; it has had the sanction of an establishment of six hundred years; whilst the privations, of which we complain, are but the innovation of a century; from that innovation we appeal in this enlightened age, to the wisdom and justice of those august bodies, in whose hands are the fate and fortunes of the Empire: we appeal against acts, repugnant to the sense and habits of Englishmen, and to the genius of the English constitution; against precedents, not entitled, from the circumstances in which they were formed, to be immortal. We were excluded from our franchises, when the tumult of civil wars had scarcely been appeased; whilst the animosities they produced were recent; and at the close of the convulsions incidental to a widely extended revolution of property: we were excluded at a moment, when the settlement was precarious and new, upon which time and habit, the extinction of all other claims, common principles of obedience, and common interests, have now conferred all the validity of unquestioned and immutable establishment:—Your petitioners further beg leave to recal to the attention of this honourable house, that we do not pay the penalty, neither is the blame imputed to us, of an innovating or capricious temper. We have not revolted from any institutions, which challenged our obedience. We have adhered to the tradition of our fathers, the immemorial usage of the land. We profess a religion compatible with the form of government under which we are placed; accommodated to the spirit, and dear to the feelings of the great and growing majority of our country; a religion which the existing incapacities do not seem calculated, and are probably not expected to suppress; for it has been deemed, in a considerable degree, to merit public encouragement and protection:—Your petitioners do then most humbly state, that they are excluded from many of the most important offices of trust, power, and emolument in their country; whereby they are degraded below the condition of their fellow subjects, even of the meanest class, and stigmatised as aliens and strangers in their native land:—That in the immediate effects of this exclusion, no less than four-fifths of the inhabitants of Ireland are involved, formed into a distinct people, and depressed in all their classes and gradation of rank, of opulence and industry; in every situation of life does this degrading inferiority exist, and its influence reaching to every profession, to even the peaceable pursuits of industry and commerce:—That the remote, but no less sensible consequences, extend to the remaining population of the land, distracting his majesty's people with disquietude and jealousy, and substituting an insiduous system of monopoly on the one hand, and privation on the other for the tried and established orders of society, and for the salutary practise and sound principles of the English Constitution:—And your Petitioners further humbly submit that from the prejudice generated and fostered by this discriminating system, the spirit of the laws outstripping the letter, no degree of rank, virtue, or merit, can exempt an Irish Catholic from being considered an object of suspicion: and several of the most estimable privileges, and advantages of a free Government, to which they ought to consider themselves entitled, are rendered, with respect to them, inoperative:—In calling your attention to their situation, your Petitioners beg leave to assure this honourable house, that they are actuated more as Irishmen, than as Catholics; and less influenced by a partial interest, as a religious description, than by an interest truly public and national, intimately connected with the welfare of this country, and the prosperity of the whole Empire; your Petitioners being fully convinced, both from history and experience, that however religious distinctions may have supplied a pretext, a spirit of political monopoly has been the actuating principle of civil dissension, and of that unhappy national misunderstanding which has so long injured the character and lessened the value of this island:—For your Petitioners are strongly impressed with the conviction, that the continuance of the disqualifying laws is not only incompatible with the freedom and happiness of the great body of the Irish people, and detrimental to the resourses of the State; but as it is calculated to damp the ardour and divert the attention of the nation to partial interests and party dissensions, from measure of general security, may eventually prove injurious to the strength and stability of the Empire:—Your Petitioners, with a deep sense of gratitude, acknowledge that they are indebted to the wisdom and liberality of the parliament of Ireland, and to the paternal interposition of his Majesty, for the removal of many of the disabilities and incapacities under which they laboured; and they refer, with confidence in the justice of their cause, to the solemn and memorable declaration of the Irish legislature; "That from the uniform and peaceable behaviour of the Roman Catholics of Ireland for a long series of years, it appeared reasonable and expedient to relax the disabilities and incapacities under which they labour, and that it must tend not only to the cultivation and improvement of this kingdom, but to the prosperity and strength of all his majesty's dominions, that his majesty's subjects of all denominations should enjoy the blessings of a free constitution, and should be bound to each other by mutual interest and mutual affection. And your Petitioners most solemnly declare, that they do not seek or wish in any way to injure or encroach upon the rights, privileges, possessions, or revenues, appertaining to the bishops and clergy of the Protestant Religion, as by law established, or to the churches committed to their charge, or to any of them; the extent of their humble supplication being, that they be governed by the same laws, and rendered capable of the same civil and military offices, franchises, rewards, and honours, as their fellow subjects of every other religious denomination:—May it therefore please this honourable house to take into its consideration the statutes, penal and restrictive, now affecting the Catholics of Ireland, and to admit them to the full enjoyment of those privileges which every Briton regards as his best inheritance; and which your Petitioners most humbly presume to seek, as the brethren of Englishmen and co-heirs of the Constitution; And your Petitioners will ever pray, &c."

Mr. Grattan gave notice that he would, on Wednesday, move for a Committee to take the said Petition into consideration.

Mr. Montagu Matthew then presented another Petition to the same effect, from the Catholics of the county of Tipperary, which was also ordered to lie on the table.

[SUGAR DISTILLATION.] Mr. Coke presented a Petition from the land-owners and occupiers of land in Norfolk, against the Sugar Distillation.—Colonel Bullock presented a Petition from certain land-owners and occupiers of land, in the neighbourhood of Colchester, against the Sugar Distillation.—Admiral Harvey presented a petition from the owners and occupiers of land in the neighbourhood of Rumford, in Essex, against the Sugar Distillation. All which were referred to the Committee.

Lord *Binning* then moved, that the house should resolve itself into a Committee of the whole house, to consider further of the Report which, upon the 13th day of April last, was made from the Committee appointed to enquire and report how far, and under what circumstances, it may be practicable and expedient to confine the Distilleries of the united kingdom, or of any part of the united kingdom, to the use of Sugar and Molasses only; and also what other provision can be made for the relief of the Growers of Sugar in the British West India colonies.

Mr. *Coke* could not let slip any opportunity of opposing a measure so mischievous as he considered the present to be. The object of the committee had been, to point out a mode of relief for the West India planters; but now the ground was shifted, and the sugar distillation was recommended as necessary in the actual state of the country. He reflected with the highest pleasure upon the speech of the Irish chancellor of the exchequer upon this subject; a more solid, a more constitutional speech, could not have been delivered; he thanked him for it, and was convinced he deserved the thanks of his country. The ground on which the English chancellor of the exchequer argued the case for the substitution was, that the price of corn was high, and that there were apprehensions of a scarcity. Both these propositions he denied. The present price of corn was no more than a remuneration to the farmer, considering the failure of the beans. There was no scarcity; nor any ground of apprehension of a scarcity; then why was such a proposition held out, and a needless alarm created? If the landed interest were left to themselves, they would be able to supply the country, and save the money expended for foreign corn. It had been well observed, that till the interference of government with the corn laws, we had always been an exporting country; but when that interference took place, we began to import. It was the duty of the chancellor of the exchequer therefore to give every encouragement to the landed interest, instead of supporting a proposition injurious to them. The hon. member then referred to several parts of the evidence in the report, to shew that, in the opinion of several of the most competent witnesses examined by the committee, the measure was not expedient with a view to the relief of the West Indian planters, or on account of any real grounds for the apprehension of a scarcity. Mr. Chalmers, chief clerk to the lords of the committee of privy council for the consideration of trade and colonial matters, being asked whether, exclusive of any consideration of the situation of the West Indian planters, he saw any reason why parliament should interfere to manage our resources for grain? replied, that he did not see any reason why parliament should interpose, as this might cause an alarm, and so produce the evil supposed. Mr. C. Scott said, that if the distilleries were restrained from the use of barley after the next crop, and that crop should prove abundant, there would be a very material fall in the price. The hon. member stated, that he had letters from Norfolk, representing that there was every appearance of an abundant crop of barley. If this should be injured by the rain, there would be a great deal of black barley, which could be used in no way but in the distilleries. Mr. Kent, land-surveyor, being asked whether he thought barley necessary to the mode of cropping in Norfolk, said that he considered the cultivation of barley as almost necessary to the existence of Norfolk. Norfolk, the hon. member remarked, might be considered as the granary of England for barley, and could not be injured without material injury to the whole kingdom. Mr. Kent being asked, whether any substitutes for barley could be found to answer the purpose equally well, answered, "Certainly not; for oats would be the most obvious substitute, and them I consider to be one of the most exhausting of all crops: they rob the grass seed, and ultimately injure the wheat crops." The hon. member observed, that a vast number of cattle were fed on the grains in the distilleries, and sent to the London market, a source of supply which would be lost in the event of the substitution. There was another most important point, which was brought forward in the evidence of Mr. Overman; which was, that in the event of a considerable depression in the price of barley, a great part of the land in Norfolk must be left uncultivated, and fall back to its pristine state. Mr. Elwan's evidence also went to shew, that in the event of a fall in the price of barley, a smaller number of labourers would be employed by the farmer; and a portion of his land, before allotted to grain, must be left in grass. The honourable member next adverted to the great quantities of wheat and barley brought from Norfolk to the London market; and the great injury that would arise, not only to that county, but to the whole kingdom, from any discouragement to the agriculture of Norfolk. He concluded by opposing the motion for the speaker's leaving the chair. He thought it best to oppose the measure in this stage; for if it went into a committee, almost the whole session might be occupied in discussion, and hearing counsel on the various petitions.

Mr. *Rose* would wish the house to take up this question upon a much wider ground than the hon. gentlemen who opposed it seemed to do. That the West India planters had made out their case, nobody who read the report could deny. It appeared from that, that several estates in Jamaica had been abandoned, and that others were likely to be abandoned unless some relief was afforded to the colonial trade. It should not be forgotten that the West Indian possessions of this country yielded an income of between eight and nine millions, spent in this country; that the revenue in customs, excise, &c. on West Indian produce, amounted to five millions and a half annually; that the West Indian trade employed one-third of the shipping of the country; and that British manufactures to the amount of six millions were consumed in the West Indian market. When the committee had been first appointed, he had apprehensions that if the landed gentlemen took a narrow view of the question, it would not be easy to carry the measure into effect. But as he did not impute the opposition of these gentlemen to any narrow views of advantage to themselves, he was not without hope that they would view the matter in another light; and that a provision to prohibit the distillation from corn till barley should sink to any given price, and then to allow it to be used in distilleries till it rose to a certain price, would be considered as a sufficient security for their interests, and induce them to acquiesce in the measure. This was the best mode of relieving the West India merchants, whom every body allowed to be in a situation requiring relief. No person but the late chancellor of the exchequer for Ireland had suggested any other remedy, viz. by lowering the duties on sugar; but that right honourable baronet must have been aware, that the last addition of three shillings per cwt. had been laid on by the late administration. About 400,000 quarters of malt were consumed in the distilleries, and three millions and a half in the breweries; and if it was not for the improvement in science, the quantity of barley consumed in the breweries would be double what it was. It appeared that this country imported to the amount of 700,000 quarters of corn annually; and though he thanked God that he had no apprehension of a scarcity, yet he thought they ought to be apprehensive of the rise that might take place in the price of bread. A right hon. gent. had said on a former night, that this measure would be a violation of the act of union; and that they ought not, under the temptation of an immediate convenience, to suspend the provisions of that act. No man more anxiously than himself wished that the articles of union between the two countries should be preserved from violation, so far as the principles of good faith required; but why was it necessary to adhere to the letter of these articles, in opposition to a measure of great public utility? all that was asked of Ireland was, that at a period of great distress to a valuable part of his majesty's subjects, whilst this country with a view to their relief suspended the distillation from corn, Ireland should suspend its export of spirits to this country. The right hon. gent. then recapitulated his various arguments, and concluded with expressing a hope, that the measure in the guarded shape he had suggested, would be acceded to.

Sir *W. W. Wynne* allowed the distress of the West India Planters and Merchants, and would be ready to give them relief in any other way than this. He had suggested for that purpose a reduction of the duty on such sugar as should be employed in the feeding of cattle. But, whilst he was anxious to afford relief to the West Indies, he could not consent to such a measure as the present, which would press exclusively on the landed interest. The present price of barley was not extraordinary, considering the shortness of the last crop. For these reasons he should oppose the Speaker's leaving the Chair.

Mr. *Barham* rose and said;*—Mr. Speaker; Having been a pretty diligent member of this committee; having concurred in the report and the measure originally recommended in it; having also, though with much less satisfaction to my own mind, acceded to the measure afterwards proposed; I was very desirous to offer my opinion on the subject, when it was last under discussion; and I was the more anxious to obtain your notice, because it so happened, that not one of this laborious committee had an opportunity to vindicate their report, excepting indeed one honourable member who spoke very shortly at the beginning of the debate, and an honourable friend of mine, who obtained something like a hearing when the house was exhausted, and could no longer command its attention to a speech which, at a more auspicious moment, could not have failed to make the deepest impression.—Sir; this subject presents itself in two distinct points of view.—First as a matter of domestic economy; and here we have to enquire merely whether the situation of the country be such as to demand measures of precaution in regard to its supply of corn; and if that were found to be the case, whether the present measure be a fit one for the purpose.—Next it should be regarded as a measure of relief to the colonies; and then the enquiry will be, whether the colonies need relief? whether as a matter of policy in regard to our own interest, and as a matter of justice in regard to their claims, relief should be granted? and finally, whether, if relief be granted, this mode of relief be the most advantageous to them, and least inconvenient to ourselves?—First then, as to the domestic question in regard to our supply of corn. I am aware, sir, of the delicacy of this subject.—I know how very undesirable such discussions are when they can be avoided, and I am fully sensible of the mischiefs that may arise from false alarm. But, Sir, when facts are brought before you, it is impossible not to know them; when proved, it is impossible not to believe them: and of this I am sure, that at all times it is safest to speak truth, and that, if a false alarm may be dangerous, a false security may be fatal.—But whether it was right or wrong to stir this subject, it is not our doing. The question of scarcity was first brought forward by those who oppose us. It was they who called those witnesses, who proved the shortness of last year's crop; it was they who entered into those long examinations. We submitted with reluctance, and merely to avoid the imputation of partiality which would have been readily bestowed on us, had we resisted the course they chose to follow. Well, sir, they completely established their position, and proved the great deficiency of the last crop. This was done indeed, with a very different view, and for a very different purpose than that which resulted from it. They established the deficiency of the last crop, in order to justify the present high prices; not observing, that while they were carrying a collateral point, they were cutting the main ground from under their feet; forgetting that you cannot know a thing for one purpose, and not know it for another; and forgetting, that the crop could not at the same time be short, in order to justify high prices, and abundant, in order to justify non-importation.—Sir; if we could divest ourselves of all bias that our minds may have taken in the course of this contest; if we could forget all the arguments that have been bandied about on both sides; if we could suppose a house of commons quite new to the subject, and that the minister should come down and tell us, that the usual supply of corn to the amount of 800,000 quarters, on which the nation had hitherto depended for support, was stopt by the enemy; if he farther informed us, that, on careful enquiry, it appeared that our late crop was materially deficient, can there be a doubt that such information would excite a very serious sensation in the house? Can there be a doubt that, if any member should discover within our reach a source from which this deficit could be supplied, he would be hailed with the most joyful acclamation? It would probably next occur to us, that the most energetic measures should be adopted to prevent a recurrence of the case. Extension and improvement of agriculture would, doubtless, be our next concern: but would any man suppose that, with a view to these, we should refuse the immediate supply? Would any man suppose it possible, that those who had not objected to the importation of corn from foreign states last year, when the crop was plentiful, would now object to an equivalent importation from our own colonies, when the crop had been notoriously deficient? and that those who were so much alarmed at losing the usual source of supply, would be still more alarmed when a new source of supply were found in its place?—I know very well that it is not barley, but wheat and oats which we were wont to import; but this makes no difference. In common times, the different sorts of grain are easily commutable in various uses, and, in times of scarcity, the great object is, that there should be a sufficient supply of some corn or other.—I think, sir, I might stop even here, and that to every man of common understanding, enough has been said. But the farther we proceed, the stronger will be the case.—The argument as to barley separately, seems more cogent, because it is more specific. We know that of barley, the usual consumption is equal to the usual crop; for of barley there is usually neither import nor export. It has not been alleged by any one, that at the time of the last crop there was any unusual stock on hand, and it is proved that the last crop was deficient at the least one fourth. How then stands the case? The usual consumption and the usual crop are equal, but the last crop was greatly deficient. Of two things then, one must happen; either we must reduce our consumption to the crop, or we must by importation bring up our crop to the consumption. Which will you choose? to my argument it is indifferent. If you say, "We will import;" I answer, "This is exactly what we propose to do, importing only, instead of corn, sugar, which stands in lieu of corn."—What interest has the barley-grower here? If indeed he wishes the market not to be supplied, in order that he may get exorbitant prices, he has a very strong interest against the measure. But such a view he disclaims; and if the deficiency of the market is to be supplied, to him it must be indifferent from whence the supply arrives; whether from the Baltic, in the shape of corn, or from the West Indies, in the shape of sugar.—But perhaps you will take the other alternative, and say, "we will not import, but we will diminish the consumption;" and this seems to be the favourite answer. Accordingly we are told, there is "sufficient for a diminished consumption;" a phrase, by-the-by, which might be used in scarcity and almost in famine.—Well; the consumption is to be diminished. Now, what is this measure, but a measure to diminish the consumption by exactly that quantity which is used in the distillery? What difference here again does it make to the barley-grower how it is to be diminished, so the diminution is to take place? Would it be better for him, if the saving should be effected by painful privations in the food of cattle and man? Alas! sir, a good deal of this privation will still be necessary; for the amount consumed in the distillery is far short of the deficit.—An argument of this nature admits of no answer but by denial of the premises. But what are the premises? One, an uncontested fact, namely, that the usual consumption is equal to the usual crop; and the other, a fact established by the concurrent testimony of all the witnesses* brought by our opponents, and examined by themselves; persons of all descriptions, and from all quarters; practical farmers, theoretical farmers, corn-dealers, writers on economy, all agreeing that the barley crop had been thus deficient. Now, sir, persons coming into a court and beginning by a disclaimer of the testimony of all the witnesses, called and examined by themselves, do not, I think, open their case very auspiciously. But this is not all; they tell you also, that not only these witnesses were incompetent to speak of the crop, but that no witnesses could be competent to that purpose; for that Price is the only criterion by which a judgment can be formed of the crop. Why then, I would ask, did they bring these witnesses before the committee? Why those tedious examinations of witnesses thus known to be incompetent, when the question might have been securely answered by calling for the Gazette? But let this inconsistency pass. We may safely do it, for we shall presently stop them at another. We will suppose them to have apologized to the committee for the time they wasted, and to have explained to the house how it is that, in the month of May, no person can tell whether the last crop was productive or not, when in the next breath, they tell you that the next crop must be abundant. They shall come back 'recti in curia' to argue on their new ground. Price is the criterion:—be it so—That Price, taken on a base sufficiently extended, is a safe index of the proportion between the quantity of any article and the demand for it, no person in his senses ever doubted, or ever will. But that Price, taken on a narrow scale either of time or place, would be a most fallacious criterion, is not less evident: for how often does it happen that the price of any thing shall suddenly rise, or suddenly fall, without any circumstance intervening, which could have materially altered either the stock or the consumption? A thousand causes affect it, both physical and moral, some belonging to the thing itself, and some quite independent of it.—But let this go too.—The present price shall be the criterion, taking it from the beginning of this committee to the present time. Has not this price, then, progressively risen from the beginning to the end? Is it not now at the highest, and at the highest under the existence of a cause which must necessarily depress it; namely, the expectation of a measure which is to take out of the market a considerable demand? Notwithstanding this, the price has risen from 39*s.* to 48*s.* Four years ago, the legislature determined, that when barley should exceed 33 shillings, the ports should be open to importation; thereby judging, as between the grower and consumer, that it ought not to exceed that price. Whether this be a proper maximum, I will not enquire; but I venture to affirm that the present price proves the present supply to be unusually deficient: for, were the present supply equal to the usual supply, the present price would be lower than the usual price, under the circumstance of an unusual diminution of demand being expected.—I know not how to proceed farther in proof; and I imagine few persons will expect it, or will hesitate to conclude that measures of precaution ought to be adopted for economizing our stock of corn, whether they form their judgment on the obvious fact that our usual sources of supply are stopt;—on the evidence given relative to late crops of barley, oats, pease, and potatoes, &c.;—or whether they form it on a consideration of the present price under the peculiar circumstances of the moment.—But it is said, "why not wait till you find the market practically to fail? Any man may yet buy what barley he wants." Sir, I deny the fact:* but even if it were so, I believe it will be safer to begin saving when called on by prudence, than to go on consuming till stopped by necessity.—I know not that it is necessary to add more on this part of the subject: but as a great deal has been said respecting the price of corn, I also am desirous to offer my opinion on that point.—Gentlemen say, they do not desire too high a price. I agree with them. They will probably agree with me, when I say that I should be sorry the price were too low. Not only because too low a price must occasion too high a price afterwards; but also because I can enter into their feelings both as a farmer and a landlord. Yet though we agree that the price should be neither too high nor too low, we may perhaps be no nearer for that; the question still remains, what is too high or too low? A word has lately been discovered, which seems to be very much liked, namely, a remunerating price. I do not object to this word: but I fear we shall use it in a different sense, and that much is to be settled before we shall agree what it means, or ought to mean.—The remunerating price of corn must depend a great deal on the renumerating price of land.—Now, sir, if we were to consult gentlemen from various parts as to what was considered to be the remunerating price of land in their several counties, we should find that rents had increased, and were increasing, at an astonishing rate. In Hampshire, I know much land that, in a few years, has doubled its rent. In Norfolk, I remember barley-land letting as 3*s.* per acre, which now lets at 15*s.* Of Essex I cannot speak so much from personal knowledge; but I have good authority for saying that land there has got to an extravagant price. In South-Wales (in many parts of which, barley is the principal crop), I can affirm, that the rise of rents is such as, till lately, no landlord had hoped for; and Scotland, I believe, is not behind-hand in this respect.—I do not mention this in the way of blame : it is natural that land-owners, like other persons, should take the best price which the market will afford. As there neither is nor can be combination, it is fairly taken. I pretend not to be more unwilling than others to participate in these advantages: but I mention it as a reason why the landholder should not complain of unequal burthens and undue depression, for which he can and does so fully indemnify himself; I mention it, to shew that those who claim a high remunerating price for corn, are not without interest in that price themselves.—Well, sir, we will suppose the remunerating price to be adjusted with the landlord : it remains to settle with the farmer.—He will naturally first claim a price that shall cover his rent, taxes, and other charges; which shall cover the loss by a deficient crop ; and this, it seems, must be so calculated, that the price of any one crop must cover the failure of every other. For instance, barley must be dear, not only because barley has failed, but because pease and beans have failed. But had pease and beans been abundant, how would it have been then? I question if we should have heard that, on that account, barley should be cheaper, any more than we hear that barley should be cheap because the crop of wheat was abundant. You see, sir, the principle is, that the loss by deficiency of any crop may be charged on any other crop; but the abundance of any crop may not be carried to the credit of any other crop in extenuation of its price.—We will however suppose all this to be settled with the farmer. —He will next claim a sufficient profit to enable him to live comfortably and genteelly. We know what this means, for we have it before our eyes. Parts of the country may differ; but in many parts it means this, that they are to live at more expence, not only than their own ancestors, but the ancestors of many of their landlords. It would also be expected that their profits should enable them to provide for their families, not only in their own line, but also in the different walks of life formerly occupied by the higher orders. Still it remains, that they should have the means of laying by wherewithal to purchase their own or neighbouring farms, if such should come to sale: and accordingly I have heard, from no incompetent authority, that half the land which has been sold of late years, has passed into the hands of farmers.—In this class, as in every other, the road to prosperity should be open. Industry, perseverance, and economy, should insure competency; superior skill and superior fortune should lead to advancement: but where gains are so considerable as to enable a great proportion of any class to move from its sphere, ill consequences will follow. Luxury, every-where pernicious, is no-where so fatal as when it infects those whose business it is to till the earth : I throw out as a suggestion for those whom it may concern, whether the too great association of the higher orders with this class of men, by whatever excellent motives it has been prompted, may not have served in some degree to give them ideas that rather belong to gentlemen? And from the very narrow view which some gentlemen take of this subject, I cannot help adding, that it seems to me as if they had too much adopted ideas that belong to farmers.—I shall say no more on this subject, but that, in my opinion, the rents of land are too high, the profits of farmers too high, and the price of provisions too high for the people, the bulk of whom have no other prospect than that of closing a life of labour in a workhouse.—I now turn to another part of the subject, the Colonial case. This, sir, though we have endeavoured to blind ourselves to it so long; though it is but a very short time since, even in this house, we have heard of the exorbitant gains of the planters; though, within two years, they were still thought to be the fittest subjects for fresh taxation (the tax being only not collected from the impossibility of taking something where nothing was left);* notwithstanding all this obstinate ignorance of their case, that case is now fully made out, so that no man can pretend to doubt it; by the concurrent reports of three successive committees, it is proved to be neither more nor less than this,—That colonial property, having for a long time made very inadequate returns for the capital employed, is at last arrived at that point, that it makes no return at all. So that this great part of your empire, whose produce pays directly four millions into the Exchequer; which maintains 17,000 seamen for your navy; which takes off six millions of your manufactures, and which has contributed, within these last twenty years, more to the balance of your foreign trade than any other class, has, as the return for its own capital and industry, left—not one shilling!—Presuming, then, that the extremity of the case is no longer questionable: the next enquiry will be as to its real cause, and its proper remedy. The immediate cause is obvious; namely, that the importation of their main staple commodity, sugar, far exceeds the demand; and that, consequently, its price has fallen so low, as barely to cover the charges of production, duty, freight, &c. Thus their profits are reduced to nothing: while all the burthens imposed on them, and supportable only in times of prosperity, remain unmitigated.—Had this excess of importation beyond the demand arisen merely from the spontaneous produce of our old islands, or even from a gradual decline of our domestic consumption, these things might be fairly left to recover their due proportion: and certainly, the colonies, though, under any particular pressure, they might have asked for relief, and though, under particular circumstances, it might have been wise on our own account to have granted it; yet they could have claimed nothing as a right. But if it is by your acts, and by acts of which you derive the benefit, that the due proportion of supply and demand has been destroyed; and that, by your assistance only, the level can be restored, they have a right to apply not only to your liberality and policy, but to your justice.—The case is glaring. By your conquests, almost all the sugar in the world is forced into this market, and, by the conquests of Buonaparte, here it is confined. I admit indeed, that the production of the old colonies has been somewhat extended * but not in the same degree with our domestic consumption; so that this cannot be assigned as a reason for withholding relief, at least in as far as the evil has arisen from your own acts, in which they had no interest, and over which they had no controul. Much pains has been taken not only to justify the refusal of relief by representing that their distress arose from extended speculations, but to mark these with an opprobious character. Extended agriculture is doubtless a speculation: but why a gambling speculation? I wish to know, sir, whether British subjects, acquiring or inheriting land in the British colonies, forfeit not only their right (as it would seem they do) to equal favour, but also the right to have their actions tried by the same standard of morality? A landholder here improves his estate, enlarges his crops, and brings his waste land into cultivation:—it is a speculation, and may be profitable or not: but, at any rate, it is deemed an honourable and praise worthy exertion. A land-holder in the colonies does the same thing: but there, having first deprived him of the reward of his industry, to justify that act, you brand him with the name of

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* From the original edition, printed for J. Stockdale, Piccadilly.

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* I think there was one exception; a witness from Dorsetshire, who stated that, in this county, the crops had not been so bad as in other parts.

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* It is a fact that, in many parts of the north, the markets are not supplied; and that the greatest distress prevails. The London market has indeed not failed yet: but when that market shall fail, it will not be a case for precaution; for precaution will be too late.

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* It is said, these are not taxes on the planter, but on the consumer. This is however not the case. It cannot be laid down as a general proposition, that taxes fall either on the producer or the consumer: for, according to circumstances, they will fall on either, or on both: and this depends on the degree of supply and demand. I prove it thus: There must be a maximum of price at which consumption will cease, and a minimum at which production will cease. Now then, suppose this maximum to exist, a fresh tax would necessarily fall on the producer: for, according to the premises, the consumer can pay no higher price. If, on the other hand, the price be at its minimum, a fresh tax must fall on the consumer; for the producer can go no lower. Intermediate cases must be governed by the same principle.

* This extension has less arisen from the cultivation of new lands, than from the introduction of a more productive plant,—the Bourbon-cane: and the extension is more apparent than real, for though the south-sea cane yields a greater quantity of sugar, yet that sugar contains a less proportion of true saccharine matter than the other.

a gambling speculator. But it has been said, if the evil arises from an over-production of sugar, the planters have the remedy in their own hands. Let them produce a less quantity. Sir, no concert or combination is possible in so numerous a body; nor will the effect be produced, as in most other instances it would, by the natural operation of a low price. In other cases of agriculture, if a crop be unproductive as to price, it will not be renewed, but other crops will be substituted in its room. Such is not the case with sugar.—A sugar estate can be converted to no other purpose *, without sacrificing nearly the whole; nor can its crop be lessened, without aggrivated loss: for, as the expences must remain nearly the same, whatever be the crop; it follows that, the lower the price may be, the more every man is compelled to keep his crop at the highest, in order, if possible, to prevent actual loss where there had been no gain before †. I think, sir, I might here conclude, without farther argument, that relief is due to the colonies; and that on this shewing alone, an equitable government could not refuse it, because their ruin arises from the acts of this country, of which this country derives the benefit. I might represent that, in balancing between them and those of any other class of men, not only the relative importance of the parties to the state should be considered, but also the importance which the thing contended for is to those parties; and that, however inferior a stake to the nation the prosperity of the colonies may be, compared with the prosperity of its domestic agriculture, yet if the thing in question be all to one, and little to the other, it should not be refused.—Such language would the colonies be entitled to hold: (for are they not equally your subjects?) but continued oppression has taught them an humble tone. For equal favour they presume not to ask, of unequal burthens they presume not to complain; and though, when they were prosperous, you seized on the greater part of their profits as soon as it could be effected; though you now continue equal exaction when those profits are extinct, they submit, and all they now ask of you is, that they may at least be permitted to exist; and, finally, in the moment of their ruin, they tell you that, if you destroy their only market, they must perish.—Sir; the colonies may claim of you not only on these grounds of common right, which every subject must have under every government; but they may claim of you your positive engagement and plighted faith. What was your original compact with the colonies? I cannot be supposed to mean an instrument signed and exchanged; but I mean an understanding as binding and clear as any instrument could have ratified. You took their all; you subjected their interest to that of Great Britain in every possible way. Bound to navigate in your ships; compelled to part with their produce in a raw state, that you might have the benefit of its manufacture;—of you only, they were permitted to buy; in your market only, they were permitted to sell. Is it possible, then, to suppose that nothing was given them in return? Yes, sir, by the same authority which took this from them,—by act of parliament, you gave them in return—your market. It was monopoly for monopoly:—and now if, retaining that which you took, you deprive them of that which you gave in return, your laws were a snare, and your injustice is complete.—Now, whether this monopoly of your market be recalled by act of parliament, or destroyed indirectly by the acts of your government, the effect is the same to them; and the injustice will be the same in you, till you repair the wrong.—In this instance you may

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* If it were possible to convert sugar estates into coffee or cotton plantations, it is clear that not much would be gained thereby: it would be exchanging merely a glut of sugar for a glut of coffee or cotton.—From the introduction of new objects of cultivation from the East, perhaps, in time much benefit may result: but these things are too distant to save the colonies, which must perish before such benefit could arise. But surely this proposal to the colonies, of changing the object of their cultivation, comes rather curiously from those who contend, that the agriculture of Great Britain and Ireland would be ruined if any other corn was substituted in lieu of barley in only one-eight of its usual crop.

† But supposing it were possible for the planter to reduce his crop, the consequence must be, that the exportation from this country, and the shipping employed, must undergo a similar diminution. How far this may touch the vital interest of Great Britain, will best appear from the consideration of what our enemy is aiming chiefly to destroy,—our commerce and navy.

repair it at an easy price. The fortune of war, by stopping the importation of corn, has thrown a great advantage into the hands of the farmer;—the fortune of war, by stoppping the exportation of sugar, when you had overloaded the market, has reduced the planter to ruin. What must we think of the former class, that would not part with a small share of this advantage, to save the latter? what must we think of a legislature which would not compel them? The case between the colonies and the land (for so our opponents force us invidiously to put it) may be stated in any other way. The nation required of the colonies to provide sugar for its consumption and export. It required of the land-holders to provide corn for its increasing population. The colonist has met the demand, and is ruined; the corn-grower has not met the demand, and is rewarded by a higher price.—They say, 'What right has the colonist to the distillery? This is a British consumption, and belongs to the British producer." Good: but then, what right have you to his trade? then, what right has the British producer to his consumption? But, sir, I deny that the distillery is a British consumption. At this moment, barley may be imported from any port of Europe. It is your enemy who prevents it, and not your law. How can the distillery then be called a British consumption, when, if Buonaparte would suffer it, that distillery might be wholly supplied with corn from the Baltic?—They say, this measure is taking from England, and giving to the West Indies.—Sir; it is taking nothing from England; but it is substituting the produce of the West Indies for that of foreign states; it is giving to England an advantage in the balance of trade; it is giving her independence of the enemy as to her supply of food; and it is giving her security as to the possession of her colonies. But were it taking something from England, surely it were wiser to forego a temporary advantage, than risk the permanent source of profit. One cannot, on this occasion, help recollecting the Roman fable which represented the limbs as refusing sustenance to the stomach. Here the case is inverted; it is the stomach which would refuse to impart its nourishment to the limbs which had fed it.—I think one might put a case of tolerable analogy to the present, thus: we will suppose that, by the fortune of war, the island of Sicily had fallen into our hands; that, by capitulation, all the grain of that fertile country had been admitted to your market; and that, from the course of the war, all exportation of corn were stopped. We will suppose that, at the same time, sugar had risen to an unusual price; that one considerable source of its import were closed by the enemy, and that the crops in the remaining islands had been short. We will suppose next, that some ingenious person had discovered a means of extracting sugar from wheat: under these circumstances the land-holders come before you, and say: 'we have received little from our estates for some years past; at present we receive nothing. The interest on our mortgages is accumulating; our annuities and jointures are unpaid; our estates are on the eve of foreclosure for sums quite disproportioned to their value; and our families are starving: we desire you to admit this new sugar into use; we ask it only for a time, and while colonial sugar shall be scarce.' Does any man think that, under such circumstances, the colonies would wish to interpose a selfish objection; or that, if they did, it would not be treated with well merited scorn? If so, let it be explained where is the difference in this from the present case, excepting the relative weight of the parties? If there be no other difference, I, sir, will tell you, in the face of the world, that, in rejecting the measure, you sign your shame, and confess that power is the measure of your injustice.—I know it will be said, the case is not analogous in one respect; for it is not the admission of sugar the colonies require, but the prohibition of corn. Sir; the colonies require no prohibition: for them it would be much better to say nothing of corn, and merely to take off the prohibitory duty on sugar. Admitted on the same terms as malt, sugar would speedily occupy the brewery as well as the distillery: but it is your own revenue which requires the prohibition: for, were the indiscriminate use of barley and sugar admitted, the revenue could not be protected against fraud. It is therefore, on the behalf of your revenue, proposed that, the use of sugar being prohibited in the brewery, the use of grain should be prohibited in the distillery, which consumes not one fourth of the other.—Sir; the colonies which have been fettered and restricted for the benefit of every other class that desired it, can perhaps not be substantially and permanently relieved without some sacrifice somewhere. And indeed their case is desperate, if it be expected that they shall propose a mode of relief to which no man will urge an objection. That circumstances should have furnished so unobjectionable a mode as the present measure, was not within their expectation; and if this should fail, they must indeed be sanguine if they continue to hope.—It has been remarked, I think by Montesquieu, that the colonies of a monarchy are generally better off than those of a free state. The remark is just, and the reason is plain. A monarch has no interest to oppress one class of his subjects in order to favour another. In a state where a popular assembly has much to say, it is otherwise. There, different interests come into collision; the stronger will prevail, and the colonial, being the weakest, will generally be oppressed.—The conduct of Great Britain forms no exception to this remark; and we have paid the price of it. America resisted, and was lost. The West Indies cannot indeed resist, but they may be ruined.—Methinks I hear some gentlemen say, What then? It may be true perhaps, that the present proprietors will be ruined: but what is this to the nation? The islands will remain; sugar will still be imported; manufacture will still be exported; and ships will still be employed.—Persons who can thus treat the extinction of a whole community, as a matter of indifference to the state, whose injustice produced it, will hardly expect to be addressed with the language which a just and generous nation would desire to hear. But, sir, it will be found, that those amongst us who are least sensible to the feelings of justice and generosity, are not so entirely without interest in the case as they flatter themselves they are. If, Sir, matters could proceed quietly to this point, I grant you that nothing would have happened but the total ruin of the present proprietors; and whether this, with all its ramifications, would or would not produce some serious convulsion in the state, I will not pronounce.—But matters will not proceed quietly to this point. Let us trace the natural progress of their ruin a little closer. For a short time it will probably happen, that such proprietors as are unincumbered with debt, and have other resourses, will endeavour to continue their establishment, submitting rather to a total loss of income than capital. The majority cannot do this; and their estates will be abandoned to the creditor for his debt, however disproportioned to the value. A foreclosure of three-fourths of the West-India property must speedily take place. But however cheaply the property will be acquired by the new owners, still, if it produces nothing a similar transfer must soon recur. Perhaps it will be said, when this has happened to a certain extent, a diminution of produce will ensue, and every thing be restored to a proper level. But observe what must happen in the mean time. A whole community will not be led to certain ruin without an effort to save themselves. This application to Great Britain is their first effort. I know not what may be the next; but this I know, that no wise nation will place any class of its subjects in a situation where they have nothing to lose. Be as powerful as you may, be they as weak as they may, it is unwise to reduce them to despair. How the storm may burst, I cannot tell; but in a war like this, it is not easy to say what new cases may arise. I like not to dwell on this subject. Let those hear, who will take warning.—But, sir, it is not the white inhabitants only we are to consider. Will the negroes be indifferent spectators of this process? Believe me, notwithstanding all we have heard, a great portion of them are strongly attached to their masters; and this sentiment has, in many cases, been hereditary for several generations, on both sides. We have often seen when, under such circumstances, an estate was alienated, how the negroes pined under the change, and resented it on their new masters; how, from orderly and contented people, they became disaffected and fit for any mischief. It is not by force, but by opinion, they are governed. Now, if as a general case, they see their masters extinguished one after another, is it to be imagined that no dangerous feelings will be excited? Will they be entirely passive when, throughout the islands, they themselves, taken in execution for debt, are torn from their homes, their property and their families? Can we be sure that not one of their masters, indignant at the ruin he had not deserved, and stung with the view of a starving family, may, by some hasty word or deed, strike that spark which will fire the train, and produce a conflagration which torrents of British blood must extinguish? Let not this be called high colouring; it is the natural progress of effect from the cause; and a case like this will be more dangerous, as the white population of the islands must speedily be reduced to a very low ebb, being composed chiefly of persons whose salaries can no longer be paid. But I have heard some persons say, Great Britain would do better without the colonies; even leave them to their fate.—Such theories have been broached: for what is there too absurd not to have met with some partisans? It is pretty clear, however, that it is not by such theories we have risen to our present greatness, and are now able to contend with the world; and it is pretty evident, that, but for the force which arises from the opposite system, we should be as nothing in the scale. But even to these theorists I would say, At least then keep the colonies, that you may give them away; Bonaparte has a very different sense of their value, and, if you want peace, will probably, for that single cession, grant your own terms as to the rest.—I have still one set of men to answer. It is those who say —'We admit your case; you have every claim on the justice and generosity of the British public. As a member of that public, we will go any length to assist you; but we will not be singled out. Why fall on the land only, when the nation at large should pay the price?' I think, sir, I have shewn that this measure will fall on no one; that even for itself it is desirable; that from the land it could only take what the land-holder ought not, and professes not to desire, namely, exorbitant prices for corn; and that, at most, it is but admitting the colonies to a small part of the benefit which the stopt importation has given to the land.—But, sir, the reason why this particular mode of relief is urged, is this: that it is the only one which is immediate. Other things may perhaps do more permanent good, but their effect is distant. The colonies cannot live so long, as to wait the result. If there were other modes of relief, can gentlemen imagine that those interested for the colonies would be so absurd to persist in striving for that which they were least likely to obtain? Would they by preference choose to contend with the most powerful interest in the house or the country? Those of the committee, who urge that relief might be obtained in a better way, have not dealt fairly with the colonies. It was their duty to attend when other modes of relief were considered: and if they had been present, they would have known what difficulties present themselves in every direction. When they imagined their own pockets were concerned, they were never absent half an hour; but when the object of relief to the colonies which the house had enjoined them to consider, was under discussion, we saw them no more: and, had the committee consisted chiefly, as some say it ought, of county members, from the sample we had, the committee must have long since ceased its labours for want of a quorum.—As to those who say this will do the colonies no good, I think I may be dispensed from replying to them. Far short indeed is this boon, of what they may justly claim; and far short is it of what will ultimately save them: but to suppose that men whose existence is at stake, have not as carefully considered the subject as those whose interest is not concerned, or they are more ignorant of their own interest than other people, is a supposition altogether whimsical. I understand, sir, that we shall lose some supporters this night, because we found our recommendation of the measure on the danger of scarcity; a subject which some gentlemen think we were not authorized to discuss. To whom it was owing that we entered into this subject, has been already stated; and now, our opponents would profit by their own wrong. The case of the colonies is here truly hard; having refuted all the objections that were singly urged against them, they at last are met with one which they cannot surmount, as it proceeds from opposite points. Some will vote against them, if you do not state the domestic ground for the measure; because then it would appear to make domestic interests subservient to colonial ones; others will vote against them if the domestic ground be stated, because this committee was appointed merely for colonial considerations. So that one class objects to a measure which they do not deny to be desirable at home, because it is alleged to be also desirable abroad; and the other class objects to a measure which they admit to be desirable abroad, because it is alleged also to be desirable at home. We would do the thing for our own sake, says one, only that it does good to you, and will make us appear subservient to your interests.—And we would do it, says the other, for your sake, only that some people think it would do good to ourselves also.—Such is the wretched case of the colonies; if one objection will not serve, another will; and if they have refuted all the objections which have been urged singly, then they are met by contradictory objections at once; one or other of which is sure to hit them. This convinces me, that the opposition lies deeper than we can see, and arises from a real indisposition to relieve them, from whatever cause this may proceed. In such a case, it is perhaps useless to continue the argument; for true it will be on this subject, as on every other, that

> A man convinc'd against his will,
> Is of the same opinion still.

Sir; the history of these objections will be really entertaining to any but a sufferer.—The first objection was, that we should lower the price of barley, to the great injury of the grower. Against this we urged, that although such would be the natural effect of diminishing its consumption, yet that, on this occasion, no such effect would ensue: for that there was a more powerful counteracting cause, namely, the shortness of the crop, and that the only effect that our measure would produce, would be to keep down somewhat the exorbitant price to which barley might otherwise rise. It was however in vain to contend: the agricultural prophets agreed that barley must fall; and the consternation of the farmers seemed to be general. One man declares it would fall to 28 shillings; another says he would not sow his land; nothing but retrenchment, bankruptcy, and ruin were talked of; in short we were quite overborne by the clamour. Luckily however, the committee continued to sit, and time argued better than we: for lo! and behold! at the end of two months, all the prophets are out, and barley, instead of falling to 28 shillings, has risen to 48 shillings.—Well; what was the next objection? I own I was curious to guess what it might be; and from the inconsistencies that I had seen, I allowed my fancy pretty good latitude. But my fancy crept on the ground; and, had I guessed to the end of time, I never should have hit it. The last objection was, that we should lower the price; the next was, that we should raise the price; and accordingly it is now gravely contended, that we have raised it. This objection is much more difficult to answer than the first, although the first had in one sense a real foundation, and this has none. But the difficulty here is of a novel sort: it is that of stating any argument or conclusion 'ad absurdum' in a stronger point of view than the proposition itself. What, sir! a measure that is to diminish the consumption, or increase the supply, lower the price: will persons who have a thing to sell, be induced to keep it back from the apprehension of a measure that will prohibit its future use? Will the buyer purchase more, in the expectation that he may not be allowed to use it? Speculations are common enough; but I think not of this sort. Without the measure, the distiller would certainly want 800,000 quarters of barley; and the barley-grower would have a certain market for that quantity. With the measure, the former will not want, and the latter cannot sell it; and yet we are to suppose the distiller more eager to buy, and the grower more unwilling to sell, with the measure than without it.—The next objection is the mischievous principle which this recommendation of the committee is supposed to contain.—Now, as we have heard so much of this principle, it would not have been going quite out of their road, if gentlemen had been pleased to tell us what it was: for, to this hour, no one has yet distinctly stated it. I suppose, however, we may conclude from the tenour of their argument, that it must be something like this; that when the colonies are in distress, they shall be relieved at the expence of the landed interest; that when the sugar-market is overburthened, it shall be relieved at the expence of the corn-market; or some similar proposition. Now this would certainly be a very mischievous principle, which no man would more decidedly condemn than myself. But who ever stated this principle, and who owns it? None of the committee at least: for they not only carefully guard against the principle, saying that the measure should on no account be permanent; but they declare the very opposite principle, when they recommend that the restriction should cease, if it be found to have any undue effect on the corn-market, let the situation of the sugar-market be what it may; thereby declaring that the landed interest should by no means be subservient to the colonial, but that, on the contrary, colonial interest should give way to that of domestic agriculture. And yet to this imputed principle, this phantom of their own imagination, this bugbear of their own creating, all is to be sacrificed; Great Britain exposed to want, and the colonies to ruin.—With some gentlemen, this objection comes in another shape, or at least under another name. With them, it is not principle but precedent: an alarming and dangerous precedent! It really might make one smile to see the great and powerful interest of this country in an agony of alarm at placing a precedent in the hands of some ten or twelve merchants and three or four planters, if now so many there be remaining in this house. A body whose interest has been sacrificed to every body and on every occasion; which has been obliged to give way, whoever was the opponent; not only to great and powerful bodies, but to those which were most inconsiderable; not only for great and important objects, but for considerations the most minute; in short, which could be oppressed for every body and for every purpose up to the point we see it is. But, after all, what would this precedent be, even according to their own shewing? A precedent that would do them honour at little cost. It would be merely this, that, in the urgent distress of the colonies, no other measure appearing practicable for their immediate relief, but one that would unload the market of a glut forced into it by our conquests, the landed interest had stepped before the rest of the nation in yielding 1-16th of the barley market at a time when barley was at least sixteen shillings higher than the price at which importation is allowed by law.—One more objection I must yet notice, which seems to have made considerable impression. It is this; that every kind of restriction is bad, especially in regard to corn; that every thing ought to be free, and left to find its own level. To this doctrine, no man assents more fully than I do. The theory is most just. But, sir, nothing leads into more error than the false application of true principles; and no maxim has ever been more misapplied than this, that trade will find its own level. So it will, if left to itself: but then it must be left to itself throughout. If you have interfered with various restrictions and regulations already it is most absurd, in one particular instance, to quote a rule you have constantly disregarded. Trade, like the element from which the phrase is borrowed, will find its level, if left to itself; but if its course be stopped here and forced forward there, an artificial level will be introduced, which you must continue to regulate and superintend, or you must abandon all your past regulations and restrictions.—Thus, as to the colonies; if left to themselves, assuredly they would bring no more sugar to the market than it demands; but if you force them to come here, you must contrive a vent for what they bring. Thus as to corn; if left to itself, doubtless, the fertility of the soil, and the industry of the inhabitants, would not suffer these islands to want. But if your whole system has been a system of regulations; if maximums and minimums exist for importation and exportation; and if these, operating with other causes, destroying the balance between agriculture and manufacture, have made you in some degree dependent on importation for subsistence: you may gradually indeed recede from an erroneous system, and finally abandon it: but it will not be safe suddenly to turn round and trust the subsistence of the country, especially after a short crop, to a theory perfectly just, but which you have rendered inapplicable. Other objections have perhaps been urged; and their variety and inconsistency is such, that one may be excused if some are forgot. One question I would however ask: how comes it that, having hitherto imported corn, no objection was made? Writers might perhaps in theory object, remarks might occasionally be made in parliament; but still, the landed interest was quiet; there was no clamour, no alarm, no parliamentary opposition to the import, till at last, that, being suddenly stopt by your enemy, it is proposed for one year, till you can increase your domestic produce, to take a partial supply from another quarter; when it came from foreign states, good; but when from your own colonies, ruin, and destruction; and this under circumstances that make it at least doubtful whether your people will not want. Had this measure had no reference to the West Indies, it is clear to every observer, it follows from the arguments used against it, that it would not have met half the opposition it has met. Well then may the colonies cry out, when you talk of the protection afforded them, Protect us but against yourselves! No ruin can come upon us from any other quarter like that which your protection affords; to us every change may afford hope, every alteration improvement! Even the language of refusal adds to its poignancy. Every one admits the justice of their case, every one speaks to them commiseration; but every one sends them to the next door. Apply to the minister for relief from taxes; there they are told that it is impossible to meddle with so important a branch of the revenue, which at this time could no how be replaced: besides, that any relaxation of duties would not benefit them, but go to the consumer as long as the market is overloaded. Propose a measure for this purpose: here the landed gentlemen are all in array; they have 'lowering the price,' and 'raising the price,'—'alarming principle,'—'formidable precedent,'—'dangerous doctrine,' to contend with. Go on, and ask merely leave to pay the Americans, who bring them the necessaries of life, in sugar, which they cannot sell, instead of money, which they cannot get; then they meet the ship-owners, with 'navigation laws,'—British bottoms,' and 'neutral bottoms,'—'nursery of seamen,'—'importance of the navy,' &c. Ask for leave to obtain their supplies in a cheaper way; then comes 'interest of manufactures,'—'ruin of trade,'—'mother country,' and I know not what. Ask, at least, permission to improve their produce and send home their sugar in a refined state, which now will not pay for freight in a raw state; then they meet the 'ship-owners,' again, and 'the refiners,'—'established on acts of parliament,' and God knows what else. In short, turn which way they will, it is the same; everywhere their claims admitted, but everywhere steadily opposed. It is a complete exemplification of the lines of our beautiful poet; from the first, it is:—

> " It grieves my heart to see you thus:
> " Be comforted; relief is near;
> " See, all your friends are in the rear."

down to the last, who says:—

> " Older and abler pass'd you by;
> " How strong were those, how weak am I;

One might add, with little alteration:—

> " Ruin, we own, is just in view:
> " But this is your affair—adieu."

Such is British justice; such is British compassion; and such is the fate of British colonies! Worn out with lassitude, continued oppression, and repeated disappointments, what other sentiment can remain for them but despair, or, if there be a hope, it must be a hope of separation from what (if this measure be rejected) I will not call the mother country?—Sir; I trust it will not be rejected; but that sentiments more worthy the justice, the liberality, and the wisdom of a British house of commons, will prevail. I hope so the more, as I observe that, although this has been artfully cried up as the cause of the landed interest against colonial, and possibly thereby the majority of those representing the former may be hostile to the measure; yet that many gentlemen of this description are not so, but considering the subject in a more enlarged view, are its warm supporters. That we and they may succeed, is my sincere wish; for I very much fear, that if this measure for the relief of the colonies shall fail, it will be the last we shall ever have occasion to consider.

Mr. *R. Dundas* concurred in the general principle laid down by his right hon. friend the chancellor of the exchequer for Ireland, as to the propriety of not interfering with the corn laws, an interference, in general, which could not be productive of any beneficial consequence. But, at the same time, he must allow that there were extreme cases, in which it would be necessary to resort to such interference. The question, therefore, was, whether the present circumstances of this country were such as to constitute a case of that description? The late crops of barley and oats had been short, but not the crop of wheat. Though there was no danger of scarcity at present, yet they ought to look to the future, and in the event of a short crop this season, they would not be justified in not leaving to the executive government the power of giving to the public consumption that amount of corn which was consumed in the distilleries. He did not agree either with those who supported this as a colonial measure, or with those who defended it on the score of existing or apprehended scarcity, but with a view to the great national interests which it was calculated to promote.

Mr. *Ponsonby* said, that with reference to the note produced by his hon. friend who spoke last but one, he could assure him, on his honour, that he never had interfered in it directly or indirectly. He hoped he was not weak enough, after having seen, on the last night this question was discussed, so many of his friends who had generally voted with him, differ from him upon it, to attempt to make it a party business; and he assured him on his honour he was not indiscreet enough to give his assent to such a letter. He thought this explanation was warranted, from the confidence placed in him by his colleagues. An hon. gent. had thought proper to find fault with what had fallen from him on a former occasion respecting Ireland; all he could say was, that it was justified by the language of the chancellor of the exchequer of Ireland, who said, that the Union should not be violated for convenience. For his part, he thought that it ought not to be violated upon any grounds whatever; for if it were once broken in upon, who was to be the judge how far the innovations should go? This country had gained every thing by the Union, and Ireland had lost her existence as an independent kingdom. He opposed the measure as tending to depress the farmer; and thought it was unwise of the house to interfere, except at a time of dire necessity. The oracle of the ministerial benches had said that there was not any danger of a scarcity, adding, that the farmer could not be injured by the suspension. This kind of argument was preposterous. It must be allowed that the farmer had only three markets; first, the consumption of provisions; second, the breweries; and third, the distilleries. If they cut off one of those markets, the farmer would only raise grain sufficient for the other two. If the three markets were continued, and an actual scarcity came on, the stoppage of the distilleries would always secure a sufficient supply; but if they used sugar in the distilleries, the country could hope for no such resource. Distillation from grain always left a surplus in the country, and it never yet had been known, that when his majesty, by the advice of his council, had issued a proclamation for the stopping of the distilleries, that indemnity had been denied.

Mr. *G. Hibbert* said, he had never felt more surprize at any proceeding in parliament, than at the warmth of opposition with which he had seen this measure met, and he particularly thought the objections to the mode in which it had been brought forward were ill founded. It had been said, that the house had been taken by surprize, and that, out of a Committee instituted for the purpose of enquiring into and suggesting remedies for the distresses of the West India Planters, had arisen a proposition materially affecting the agriculture of the kingdom, a proposition which they were not competent to entertain or to judge of, and which the house could not have looked for from a committee so constituted. A bare reference to the appointment of the Committee would prove the fallacy of this representation. The Committee is expressly appointed to 'enquire and report how far it may be 'practicable and expedient to confine the 'Distilleries of the united kingdom to the 'use of Sugar and Molasses only, and also 'what other provision can be made for 'the relief of the growers of Sugar in the 'British West India colonies, &c. &c.'—And was it not a matter of indifference whether the words 'confining the distilleries 'to sugar,' or 'forbidding the use of grain 'in the distilleries' were used? The result to the growers of grain, at least, was exactly the same. He had come down to the house the night the appointment of the committee was moved, and did expect that the measure thus announced would have occasioned some conversation: but the right hon. the chancellor of the exchequer appeared at that time to be in unison with the general sentiment of the house, and when he named a Committee, as he in a pointed manner declared, with a view to impartial enquiries, and comprising a portion of every description of the leading interests in that house, there had been not the smallest objection uttered, either against the names of the Committee, or against their competency to all the branches of the enquiry submitted to them. And why, he wished to know, was not the committee competent, as well to ascertain the expediency of stopping for a limited time the Distillation from Grain, as to point out other means of relief to the Sugar Planters? There was a necessary connection betwixt the subjects, and the committee could hardly disjoin them.—There was not a majority, not even a third of the Committee which had the most distant connection with the West Indies. There were of it gentlemen of great landed property, and of agricultural knowledge; and there were others of general acquaintance with mercantile and financial concerns, connected with various parts of the empire, and to whom the wise disposal of the question was a matter of essential interest. Would a committee made up wholly or chiefly of landed proprietors have been more competent or more impartial? Let the proceedings of the committee be looked to. Had they sat so many weeks to detail in evidence the long catalogue of West India distresses? or had their time been taken up almost entirely in ascertaining to what extent, under the present circumstances, injury to the agricultural interest of the mother country could possibly result from the experiment. For his own part, (who had found himself nominated of that committee without his previous knowledge,) he must declare, (he had often declared in the committee,) that the measure should not have his approbation, if it were merely shewn to be beneficial to the Colonies;

but only if it appeared to be, under a new situation of the country, a measure of wise and useful precaution for the general benefit.—An hon. baronet (sir J. Sinclair,) had referred to the Report of a Committee of the last parliament, and had repeated some expressions from it; willing to shew that this very question had been recently determined by a committee of parliament which had decidedly disapproved the measure. But the hon. baronet had omitted to state, that the former committee had it not at all in their contemplation to stop the Distillery from grain. They were to consider of the expediency of admitting Sugar to be used in common with grain in the distilleries; and against this measure there did appear to be on the score of revenue, objections so many and formidable, that the committee could not recommend it. They had, however, concluded their Report by suggesting the propriety of endeavouring to remove those impediments which stood in the way of an expedient, the adoption of which, at a future time, might be matter of necessity.—Now, after that Report, the appointment of the existing committee was a fair presumption that those who recommended such an appointment did see some change in the situation or circumstances of the country which might possibly prove the expediency, not of mixing sugar with grain in the distilleries, but of substituting sugar for grain for a limited time. Such circumstances, doubtless, had been in the contemplation of the right hon. the chancellor of the exchequer, when he suggested the enquiry; and they were principally these; the interruption of that intercourse through which for an average of years past we had received into the consumption of this kingdom, a supply of about 770,000 quarters of grain annually from foreign parts, and, moreover, a temporary stoppage by the American embargo of that intercourse by which our West India colonies were ordinarily supplied with flour and grain. These two facts, taken together, formed an entirely novel situation of the country, which could not be viewed without anxiety, and which, indeed, had called for the anxious solicitude of some of our most eminent agricultural economists. The timely attention to facts thus notorious and important was so far from being of a nature to excite, that it ought, on the contrary, to allay apprehension. Nothing could cause more confidence in the people as to the essential provision for their sustenance, than to see the administration not waiting for the urgency of the pressure, but wisely guarding against the just approach of want.—He was as averse as any man in that house could be, to mention the topic of scarcity in such a manner as to create a public alarm; he was even aware of the influence of opinion upon such matters; but it became that house to be attentive to every symptom that indicated approaching want; and certainly, one would not look for those symptoms appearing first in the great markets, where money would at all times attract supply, and where a small difference in the supply could be hardly remarked; but in those less frequented or less fertile spots, where supply, though always necessary, was less easily procured.—If the house would enquire into the present situation of some parts of Scotland and of Ireland at this moment, in respect to the prices or the supply of grain, there would appear something at least worthy their provident attention, although he trusted not of that consequence to occasion general alarm.—The opponents of the measure, however, brought forward their general principles, and told us, what he was very willing to admit, that demand will always occasion supply, that agriculture would admit of almost an endless progressive extension, and that we had only to discourage all reliance on foreign aid in order to produce at home all we should want. But, granting this to be true as a principle, was it not equally true as a fact, that for the last 5 years, comprising a fair average of crops and under a progressive state of agriculture, we had yet received into our consumption an average foreign supply of 770,000 quarters of grain annually? What had occasioned this supply for 5 successive years? was it wanted or not? and what had become of it? was it consumed or not? It was idle to talk of our independence on foreign supply with this fact staring us in the face. We might grant the hon. gentlemen their theory; but they must allow us to be a little anxious under such circumstances about the exigencies of that interval which must, of necessity, elapse before their theory could be put into action. It was not a question interesting to landholders alone. It was interesting to all the consumers of the produce of the land, of which there were many and most respectable descriptions who did not possess much land. He could assure an hon. baronet (sir C. Burrell,) who thought that there were too many of that description in parliament, that although he was not a great landholder, he had the most sincere respect and veneration for the whole of the agricultural interest, which he thought was the first in point of national importance; but that he could not, in the present case, account for the alarm which that interest had felt. If there were a great and populous district any where that had attended to agriculture only, neglecting all manufactures and being accustomed to receive from abroad every article of their clothing and their access to that foreign supply should be suddenly cut off, we might with great truth say to them, 'you possess within yourselves the means of cloathing yourselves, and if you will shut out your foreign dependance altogether, you will in time through necessity accomplish your purpose.' This might be wise and sound counsel, and yet, mean time, while this experiment was in process, a severe winter might prove rather inconvenient, and while upon the best principles of political economy we were shewing them how to fabricate breeches and petticoats, they might be shewing us what it would not be decent in that assembly to name.—The advocates for the agricultural monopoly of the distillery said, that agriculture met with at present rather too little than too much encouragement, and that the three competing markets of the ordinary consumption, as, food of man and beast, of the breweries, and the distilleries, were all necessary for the maintenance of the farmer's prosperity, and for sustaining the present production of grain. Now, if it were so, here is a new and a fourth market, the market which had been occupied by the foreign supply—was that, too, necessary? why, then, had it been preoccupied? Or, if it was not necessary, how would the growers of grain be injured, were it possible to bring our colonial produce to supply exactly the place in consumption which that foreign supply had occupied? But as that was not possible, where, again, was the injury to the grower of grain if a fair exchange were made, and if in return for the market of the supply from abroad, which must be now given to him, we asked to borrow the market of the distillery, until it should be proved that our own agricultural resources were equal to the whole?—He had kept in the back ground the distresses of the West India trade, yet the house had acknowledged that they were great and urgent. For his own part, he knew that they were indeed most critically urgent, and that, though they had hitherto fallen chiefly on those directly connected with the colonies, they must, ere long, be very generally felt, and that the landed interest in its turn would not escape their influence. He had expected to have found a sentiment somewhat more liberal in the house on this occasion; that we should have gladly united in approving the means of defeating any of the purposes of our great and inveterate enemy. It was the same adverse and overruling power which denied an access to the markets where we might sell our surplus colonial produce, and the means too of importing our deficit of grain. We had the power in our hands of setting one of the efforts of his malice in remedy of the other, and thus of cancelling both; yet it seemed rather to be the sentiment of some of his honourable friends, that a measure which they considered as pernicious in itself was to be considered the more so because it was connected with the relief of the West India colonies.—It had, indeed, been objected to the measure, that it must be ineffectual for the relief of the colonies; this objection was urged with a very bad grace by those who denied that the question ought at all to be connected with the West India distresses: but there could be no doubt that in as far as sugar should find a new consumption in the distilleries, the planters and importers of that article must experience relief, and although that relief should be temporary, and that more permanent relief should not (as he trusted it would) be administered, yet the colonists were in the condition of an exhausted patient to whom a cordial might be administered with propriety in order to enable him to bear his subsequent remedies, although you would not expect permanently to support and restore him by cordials.—As to those observations which tended to represent the West India case as originating wholly in improvident and extravagant speculations, he should, perhaps, have another opportunity of noticing them. The Report would shew how little those observations were borne out by fact. The Import of Sugar from our colonies in the three years ending in 1805, was 2,947,530 cwt. From the same colonies in the three years ending in 1785, immediately after the peace of 1782, 1,814,190 cwt.; shewing an increase, in 20 years, of 1,133,340 cwt. —Or, if we looked to the last year only, these same colonies had sent us, in 1807, 3,069,805 cwt. which would make the increased production amount to 1,255,615 cwt. above the average of the three years ending in 1785. The British and Irish consumption in 1807, was 2,656,542 cwt.; that of the three years ending in 1785, was 1,606,484 cwt.: increased consumption, 1,050,058 cwt.—From these facts it would appear, that the colonists had rather nicely hit the mark, and that they had not supplied much for an increased demand for export. But we had been accumulating in this country the colonial produce of all nations; admitting much of it too into the privileges of our own consumption, while at the same time the chances of war deprived us of access to the ordinary channels in which it had been and might again be consumed. Some celebrated northern critics had estimated the increased production of sugar in the whole of the West India colonies of all nations within the last 20 years (after allowing for the defalcation of St. Domingo) at 2,000,000 cwt.; but, if in the same time the increased consumption of the British empire alone accounted for more than one half that quantity, could it be unreasonable to suppose, that in all the other markets of Europe, an increased consumption might be found for the remainder?—Upon the whole, the house was called upon, under circumstances new and critical, to exert its legislative powers, in relieving an important portion of the empire, and in the protection of the whole from one of the worst of evils. The circumstances of the pressure of the war, and the temporary suspension of our trade, ought to be taken into the account. This was not a moment to put at hazard a scarcity, or excessive dearness of the necessaries of life. He should give his zealous support to the proposed measure, as one of political wisdom and of wise precaution.

Mr. *Boyle* (Solicitor-General of Scotland) admited that it would be a most foolish policy to relieve one set of men at the expence of another class of the community. When he considered, however, the facts stated in the Report upon the table, and what he knew of the state of the crop, particularly in Scotland, he thought it would be a measure of prudence to stop the distillation from grain, not merely from the beginning of July, as had been proposed by the noble lord, but if possible from the beginning of June. This opinion he had formed some months ago, altogether independent of the present situation of the West Indian planters. He should therefore betray the duty he owed to the country, if he did not vote for the present measure.

Sir *H. Mildmay* professed to feel as deeply as any man for the present distress of the West Indian planters, and to be most anxious that some relief should be granted them; but he thought this relief might be much better given by a reduction of the present duties on sugar, by a relaxation of the navigation act, or by advancing them a sum of money as had been done in one instance before. He hoped, however, that in order to relieve the West Indian planters, the house would not consent to derange the whole of the existing agricultural system of the country. He could not consent to an interference which would derange the whole system of British agriculture, on the faith of which sytsem 11,000 acres had been recently brought into cultivation. This increase of culture would not be kept up if the encouragement of a fair market was not suffered to operate. The land bore a vast proportion of the public burthens, poor tax 7,000,000*l.*; land tax, which, though a most wise and beneficial tax, was extremely heavy; and the whole weight of the militia. The price of barley, he contended, had risen in consequence of the discussion of the measure, because, ever since it was projected, the distillers had been buying up all the barley they could find at any price, for the purpose of increasing their stock of spirits. He, therefore, hoped that the measure would be dropped.

Mr. *Western* said, he was ready to do justice to the motives of the noble lord (Binning) who brought forward the proposed measure of prohibiting the grain distillery, and to the motives of the chancellor of the exchequer also, who appeared determined to give it his most strenuous support; but that he differed from them so widely in opinion upon the subject, that instead of viewing it as a measure of sound policy, or as a wise expedient for a special purpose, he considered it in every point of view most injudicious, and likely to be productive of incalculable mischief. It appeared to him extraordinary, after the division of the other night, when the question was carried by a majority of only 14, that his majesty's ministers should think it adviseable to persist in pressing the subject further upon the consideration of the house. It was not usual for ministers to do so upon such a division, and it was still more extraordinary upon such a measure as that they were then discussing; nothing could be more dangerous than first to raise an alarm of scarcity, and then render it matter of frequent and reiterated debate in that house. It was the certain method to induce, or at least encrease the difficulties intended to be remedied, and it was impossible to avoid repeated discussion, if the measure should be unwisely persisted in. Those who opposed it, did so upon the fullest conviction of the evils that would arise from it, and of the necessity of withstanding the establishment of so dangerous a precedent. They thought it necessary to resist such an interference with the agriculture of the country by every means in their power, and would certainly oppose the bill in all its stages through the house. —Mr. Western said, he should not, at that time, at all consider the question as it affected the West Indies; but confine himself to the ground upon which it was principally defended, namely, as a precautionary measure against scarcity; and in that point of view he contended there not only existed no cause whatever that required its adoption, but every peculiar circumstance of the present times afforded obvious reasons against having recourse to such an expedient. The situation of Europe and the probable consequent loss of the supply of corn which we had been accustomed to receive from foreign countries, was the ostensible reason urged in justification of this measure. So far from considering it in that light, he thought the situation of Europe afforded every motive to induce the legislature to abstain from such an interference with the agriculture of the country. If the continent of Europe and all the ports from whence we had been accustomed to import corn were in the hands of the enemy, it was evident that in future, we could rely upon our own resources alone. It was not merely in the present moment, when in truth by extraordinary good fortune we did not stand in need of foreign aid, but in future years when we had experienced defective crops, that we might have to struggle with all the difficulties of scarcity and famine, that we might with reason dread the loss of the foreign supply. Was it wise, then, at such a time as the present, and in such a situation of Europe and the world, to do that which must discourage the efforts of the British farmer by depriving him of a most beneficial market for his produce, and by evincing a spirit of meddling policy in the government, than which nothing was more alarming and more injurious to the merchant and manufacturer of every description? Instead of depriving agriculture of a market which must diminish produce eventually, we should rather endeavour to extend those very markets which had already contributed materially to encrease the cultivation of every part of the united empire.—But, then, it was said, that we should stand in need of an immediate resource to answer the demand which the foreign corn had heretofore supplied, and which being withdrawn would leave a vacuum that it would be desirable to fill up by the grain consumed in the distilleries. It was also said, that the deficiency of last year's crops of oats, barley, and pulse, added to the loss of the foreign corn, rendered it probable that a scarcity might yet ensue, and which had indeed been evinced already in parts of Scotland and Ireland. That there might be a pressure in particular districts in consequence of the failure of the oat crop, and the foreign import of oats, he could readily believe; but the proposed measure would not then relieve those districts; and that there was any appearance of a general scarcity, he must deny most positively. So far from it, the price of corn was such, as barely to give an adequate return to the grower; wheat had not been higher than was necessary for that purpose; and as to barley and oats their price at that time did not pay so well as a very moderate price would do upon a good crop.—Mr. W. said, the market price of the kingdom at large was the evidence upon which he founded his opinion that there existed no reason whatever to apprehend a scarcity. The market price was the best, if not the only criterion by which to judge of the sufficiency of the supply to meet the consumption of the year. It was, in truth, the result of all the collective information of all the persons resident in every part of the kingdom, whose trade, employment, and interest it was, to obtain the most accurate knowledge possible of the proportion of supply and demand. There was no evidence equal to that derived from this source; not all the committees of the house that ever sat, could afford information so much to be relied upon. It was absurd, then, to talk about a scarcity, when the markets indicated a plenty, and which the present price of wheat most undoubtedly did.—It was to be observed, likewise, that the price was not only moderate, but it was and had been since last harvest peculiarly steady, less fluctuating perhaps than ever was known, and no stronger proof of sufficiency, and even plenty, could well be imagined, than what arose out of that single circumstance. It was really singular that any apprehension should be avowed of a scarcity of corn, when the price of wheat had been seen to remain at 70*s.* per quarter, or within one or two shillings under or over, since the last harvest; and this in defiance of the known fact that the foreign supply was cut off; nobody, he thought, could imagine that the corn merchants did not know the state of the foreign trade till informed by the Report of the West India Committee; and yet no unusual speculations, no fluctuations of price had taken place; that there might be both the one and the other, now that parliament had interfered; was very probable, but hitherto it appeared as if the loss of the foreign trade had contributed to render the price more steady than it had formerly been.—Mr. Western said he would next desire the house to consider what were the prices at which, upon former occasions, it had been thought advisable to prohibit the use of grain in the distilleries; such a measure had indeed been resorted to on three occasions only since their establishment in 1690: the first time in the year 1757, the circumstances of which it was not necessary particularly to advert to, on account of the period being so distant, and the situation of the country so different; the next suspension took place in 1795, and the third in 1800. Let the house bear in mind the price of grain at the time the committee had recommended the suspension; wheat was then at 70*s.* barley 39*s.* oats 33*s.*; at the time he was speaking wheat was at 72*s.* barley 40*s.* oats 34*s.* Now, what was it in 1795 and 1800? In the first of those periods, in the summer of 1795, a strong apprehension prevailed that the crop was materially injured, and a considerable alarm was excited throughout the country. In July wheat was 84*s.* per quarter, and in August it rose to 108*s.* and other grain in proportion. In December 1800, when the next suspension was thought expedient, wheat had risen to 125*s.*, barley to 71*s.*, 8*d.*, and oats 39*s.*; these were the prices to which corn had advanced before it was thought desirable, at that time, to prohibit the grain distillery; and what is more remarkable, when the prohibition was taken off in Feb. 1802, wheat was then 75*s.* 6*d.* barley 44*s.* and oats 23*s.* 4*d.*; which was 5*s.* 6*d.* higher for wheat and 4*s.* for barley than it was when the committee advised the present intended prohibition to commence.—It was likewise material to attend to the time of the year at which the suspension was recommended, in 1795, in 1800, and the present time; in 1795 it was at the beginning of the harvest, which it was imagined had suffered most essential injury; consequently there was a whole year's consumption to look forward to, and provide for; and in 1800, in December, there was of course a much longer time than at present, which was to be supplied from the stock in hand, before the new crop should arrive: in the present instance the season was so far advanced, that but a few months remained to provide for; it was impossible that before that time, the price should not have risen very materially, if any deficiency had been at all probable; in truth, it was most evident that the measure proposed was wholly unnecessary, and being so would be infinitely mischievous.—Mr. W. said he would readily admit that the state of dependance we had been in upon foreign countries for part of our annual subsistence, might reasonably excite some alarm, now that such supply could be withheld at any time by the power of the enemy; most happily however, no danger existed that was pressing or immediate; it was our peculiar good fortune to have so encreased our cultivation within these few years, and to have had so abundant a wheat harvest last year, as to enable us, without any difficulty, and without foreign aid, to meet the growing crop, at the very moment the enemy had made himself master of almost every port in Europe. The danger then was not immediate, no cause for alarm whatever at that time existed, but apprehensions for the future might be entertained, and in those apprehensions he certainly participated. It was impossible not to contemplate the possibility of a defective harvest without alarm; it was against such an event that we ought to be striving to provide, instead of confining our views to the present moment; measures the very reverse of that which was under consideration ought, in his opinion, to be had recourse to; was it not indisputable, that from our own resources alone that supply must in future be drawn which had hitherto been received from foreign countries? how then was our produce to be encreased, to meet an encreased demand upon it henceforward?

by one very obvious and easy method, by encouragement to the British grower. It might be asked, what encouragement do the growers of corn, does the landed interest, require to extend the cultivation of the land, and to increase its production? Do they require extravagant high prices? and are not the present sufficient? Do they require bounties, or other artificial means of encouragement? No, said Mr. W. we do not require extravagant high prices, for numerous evils are attendant upon them, we are satisfied with the price when the markets are undisturbed and the buyers and sellers are left to themselves to dispose of their property as they think fit: we do not require bounties or any other encouragement that is not afforded to other merchants and manufacturers; what we do require, is, to have equal advantages with those who embark their capital and devote their industry to other pursuits, and to be secured from restrictive and prohibitory laws and legislative interference. The public are too apt to imagine that excessive high price is anxiously desired by all those who are concerned in the cultivation of land, and that idea has received too much countenance from some members of that house; but the opinion is unjust and unfounded; we are desirous, no doubt, of a sufficient, and a steady price, and it is the interest of the country tradesman, and labourer likewise, that we should have it; because when agriculture flourishes, they find constant employment, and full wages. We are anxious that food should be rendered to the people as cheap as possible, but we know that it never can be rendered to them cheaper than its production costs, with adequate remuneration to the grower; every act of legislative interference will make it dearer instead of cheaper; the price may indeed in some cases be kept down for a time, but after such a depression, it will rise again with accumulated force; every prohibition of markets, every restrictive law, is a sort of gradation of the law of a maximum, and its operation is proportionably the same, inevitably increasing and accumulating the evil, and such has been invariably the case in all countries where such measures have been tried. There is only one way by which the price of corn can be kept moderate and steady, and that is by encouraging production, and that mode of keeping down the price we are anxious to invite and promote; we know that is the only effectual mode, and those who imagine that other means will answer, do but deceive themselves, and hold out false and delusive hopes to the people; and if their opinions should so far prevail, as to induce legislative enactments founded upon such mistaken principles, the most serious and fatal consequences will follow.—Mr. W. said he was convinced from all the information he had been able to collect, and from such observation as it was in his power to make, as well as from the circumstances relative to the markets before alluded to, that the cultivation of the country was extended beyond conception within the last few years, and the tillage of those lands that were in cultivation immensely improved. The high prices of the years 1795 and 1800, had given a great momentary stimulus to agriculture, and brought many thousand acres under the plough, and so far the effect was beneficial to the community, however painful the circumstances at that time. It was a sort of stimulus however, which no considerate agriculturist would be anxious for again, it unsettled the rates of the wages of the labourer and mechanic, and brought many inconveniences. An hon. member (Mr. Curwen) had alluded to an act relating to the corn trade which passed in the year 1804, and which he (Mr. W.) had the honour, under direction of a committee, to introduce into the house. The object of that act was to encourage and increase the production of British corn by checking the excessive importation of foreign growth; in order to do this the importation price of wheat was raised from 54*s.* to 66*s.* per qr. and other grain in proportion. Mr. Pitt was at that time at the head of the administration, and gave to the measure his decided support; he saw the necessity of encouraging the agriculture of the country, and of throwing off our dependance upon foreign nations, who were, or who probably might be, our enemies; and he (Mr. W.) said he felt himself authorized in saying, that Mr. Pitt would have concurred in carrying the principle of that act further, if the prejudices of the time had not rendered it unadvisable to do so. The hon. member (Mr. Curwen) had said, that he was convinced, great advantages from it had resulted to the country; for his own part, he certainly concurred in that opinion, and believed that it was in some degree owing to the security it afforded to the British farmer, insufficient as it was, that we were now in a situation so much more competent to provide subsistence for the population of this country, independant of foreign aid, than we should have been at a period somewhat more remote; whatever were those advantages, he was ready to give full credit to Mr. Pitt, to whose support the success of the measure at the time must certainly, in a material degree, be attributed. It was not however upon the increased agriculture of Great Britain alone that we were compelled to rely; the agriculture of Ireland had increased even more rapidly, and abundant supplies might be derived from thence. An act was passed in the year 1806, the principle of which he most completely approved, though some of its material provisions he thought imperfect; by that act the corn trade was entirely thrown open between the two countries; Ireland could not fail to experience sensibly the beneficial effects of having the British markets thrown open to her, and we might derive from thence all the supplies we stood in need of. If it could be supposed possible that the agriculture of G. Britain should remain stationary, Ireland alone would be able to supply, in an incredibly short time, all that we had hitherto derived from foreign countries. It ought to be the object of government, as it was the obvious policy, to encourage the agriculture of Ireland, to give employment to her population, and to induce her to provide us with that surplus produce which she was so capable of affording; and no longer to continue that encouragement to the agriculture of foreign and hostile nations.—Upon the whole, he considered the proposed measure of prohibiting the Distillation of Grain most injurious and impolitic, and so far from necessary from any circumstances of the present moment, that every thing indicated the policy of resorting to measures of an opposite tendency. Instead of doing that which must shake the confidence of the farmer in the security of his market, that security should be strengthened and confirmed; instead of limiting his market, it should be extended. No article can long be produced in quantity beyond the extent of the demand, he meant such a demand as would give a remunerating price to the grower; a diminished production would follow a diminished demand; so, the only way to extend or encrease production of any article was to extend the market for it: and, if it was possible to apply this principle stronger to one article than another, it was to the article of grain, because the amount of each year's harvest was so uncertain; the surplus produce of an abundant year must then be taken off: how was that to be done? In the present time an export trade could hardly be expected; a luxurious consumption of corn in the distilleries, breweries, &c. &c. answered the same end; even in ordinary years we ought to have amply sufficient for such purposes, in order that in deficient years those supplies might be rendered available. These resources ought certainly to be encouraged and multiplied. Instead of cutting off the demand of the distilleries, and checking that of the breweries, we should encourage both the one and the other, and every other market that could be found. He begged the house to consider the effects of the excessive high duties upon malt, which had operated in a most injurious manner upon the growers of barley; and in effect was already a bounty upon the trade of the East and West Indies. The consumption of tea and sugar was, in almost every cottage, substituted for malt liquors; and as a proof of this fact, the quantity of barley that paid duty as malt was not more than it was ninety years ago, when the population was little more than half its present amount.—Mr. W. said, he would not longer detain the house, and would adhere to his determination of not entering into the West Indian part of the question. He thought there were means by which the West India proprietors might in some degree be relieved; the permission of direct export to foreign countries to a limited extent; the permission to bring home their sugars in a refined state; the reduction of the duties; were subjects that atleast required the serious consideration of parliament. He should not however enter upon those topicks at that time, but should sit down, entertaining an earnest hope that the house would not agree to the motion of the noble lord.

The *Chancellor of the Exchequer* disclaimed the idea of interfering unnecessarily with agriculture. The only question in his mind was, whether the circumstances of the present time were such as to justify or call for such interference as that now proposed. He had not at any time given countenance to the idea of the existence of a scarcity; but from the deficiency of the last harvest in Scotland, and the failure of the crops of potatoes and oats in Ireland, he held that we were in a state of imperfect supply. In this state of imperfect supply, and under the circumstances in which we stood with respect to other countries, he thought it right to retain and husband the supplies on hand, till such time as the ascertained produce of the present crop should remove every apprehension of the danger which he thought ought now to be guarded against. On no former occasion, either in 1757, in 1795, or in 1800, the three occasions on which distillation from grain was prohibited, had it been done by proclamation, but in all these instances it had been effected by an act of parliament. If, indeed, a scarcity should be felt when parliament was not sitting, a minister would be unworthy of his situation, who would not adopt such a measure upon his own responsibility; but when parliament was sitting, it was certainly incumbent upon him to recur to the legislature for advice. The apprehensions of scarcity were entertained by many persons of great authority from different parts of the country. Among others, an hon. baronet opposite (sir J. Sinclair) had communicated to him an alarm with respect to Scotland; and another hon. member, now absent, the member for Norwich (Mr. W. Smith), had spoke with similar apprehension with respect to the county of Norfolk. He was, therefore, not a little surprised at the course pursued by both those hon. gentlemen on the present question. Much of the objections that were urged to the measure, was matter of regulation as to the mode of carrying it into effect, and was, therefore, additional ground for going into the committee. He denied that the rise which had lately taken place in the price of grain, had arisen from the agitation of this measure, or from his statements in that house. The sole cause of that rise was the inadequacy of the stock to the demand. It was impossible for government to take the measures that seemed necessary, otherwise than through parliament. To proceed by proclamation would have the effect of spreading consternation throughout the country, and the hon. gentlemen opposite would have been loudest in complaint if that course had been pursued.

Mr. *Whitbread* reminded the house that the right hon. gent. who had just sat down, had not, from the beginning to the end of his speech, said one word of granting relief to the West India planters. He had now placed the planters entirely out of sight, and recommended the measure on the ground of a scarcity which every one knew did not exist; a scarcity which his majesty's chancellor of the exchequer for Ireland denied to exist in that country, and which was denied to exist in Scotland by the president of the board of controul. But the right hon. gent.'s conduct now was analogous to what it had been when he came into power. Then he set up a cry about popery; and now he wished (or if he did not wish it, the effect of his speech was) to set up a still more dangerous cry about scarcity. It was evident also, that upon this, as upon many other subjects, there was a great difference of opinion among his majesty's ministers. He observed, that government had contributed very much to increase the distress of the West India planters, by foolishly taking possession of the Danish islands. He would willingly have consented to go into a committee to consider of some means of granting relief to the West India planters, but he could not give the smallest countenance to the present measure.

Mr. *W. Smith* admitted that he had some time since made a communication to the chancellor of the exchequer, of his apprehension of an eventual scarcity in Norfolk. This was now several months since. He strongly protested against the adoption of this measure, which was calculated to be materially prejudicial to the landed interest of the country, whilst at the same time it was in its very nature inadequate to the end proposed, that of affording any thing like substantial relief to the West India colonies and traders.

Mr. *Wilberforce* declared that he thought there was reason to congratulate the house on the prospect which it then had of affording even a temporary relief to the West India planters; and endeavoured to convince the house that there was something like a spirit of party in the opposition to the question.

Lord Binning said a few words in reply.—A division then took place, when the numbers were:

For going into a Committee -	163
Against it - - - - - -	127
Majority - -	——30

When strangers were re-admitted, we found the house in a committee, discussing the propriety of coming to an adjournment on the question. The proposition was for some time resisted by the chancellor of the exchequer; he at length, however, declared that he would accede to the proposition of an adjournment, provided the rules of the house would admit of such a proceeding, under the circumstances of the case. The Speaker then acquainted the committee, that there was one mode which was perfectly regular, if the house thought proper to adopt it. That was, to agree to the whole of the resolutions *pro forma*, with an understanding that the two first resolutions should be recommitted on some other convenient day. This suggestion was adopted, and the debate was fixed for Friday.

HOUSE OF LORDS.

Tuesday, May 24.

[IRISH CUSTOMS REGULATION BILL.]—Upon the motion for the second reading of the Irish Customs and Fees regulation bill,

The Earl of *Lauderdale* observed, that this was a bill which infringed upon one of the Standing Orders of that house, by which it was declared that any matter foreign to and having no connection with the purport of any aid, supply, or money bill, being introduced therein, and thereby fettering their lordships' discretion, was destructive to the rights of that house, and unparliamentary. The bill in question purported to be for the Regulation of Customs and the Fees of custom-house officers in Ireland; and it enacted that the right of taking 6*d.* upon certain duties be repealed; and then it enacted, that 3*d.* be paid upon the same duties; after which it proceeded to regulate the holidays kept by persons employed in the customs. Now, he certainly must contend, that this bill tended immediately to subvert the orders of that house, and on that account he was in duty compelled to resist it; for it became their lordships to be extremely jealous of any infringement upon their standing orders, considering that it might lead to dangerous consequences. After shewing that matter foreign to the title of the bill, as a money bill, was introduced by the other house of parliament, his lordship moved an amendment, that instead of the words 'be now read a second time,' there be substituted 'that this bill be rejected.'

Lord *Hawkesbury* said, that what had been stated by the noble earl, respecting the Standing Order of that house, applied to bills of aid and supply. He must admit that the bill before them was a money bill; but he conceived, that in respect to some particular bills, the order was not imperative but admonitory, and in the case under consideration, left it to the option of that house to put it in force, if their lordships, after exercising their discretion, should be induced to think that such was the intention of the house of commons, at the time of passing the bill, viz. to introduce foreign matter, with a view to fetter their discretion; but he did not perceive that the principle of that order could be justly applied in the present instance, and therefore should not vote for the rejection of the bill.

The *Lord Chancellor* thought that so far as this bill regarded duties on the customs of Ireland, it might properly be deemed a money bill. He could see no impropriety in first taking off the 6*d.* duty which had been formerly paid, and afterwards substituting 3*d.* This arose from the officers having been authorized to take half themselves, and to pay the other half to government. And when the bill was framed for the purpose of regulating their fees, it was not improper to introduce regulations concerning the holidays kept by such officers. On this account, and on the ground of these orders being sometimes rather admonitory than imperative, he should leave it to their lordships' discretion to consider whether the bill before them was one to which the order should be applied.

Lord *Holland* regarded the standing orders of very great importance. The noble baron (Hawkesbury) had taken considerable pains to draw all the distinctions his mind could suggest, when the standing orders of that house ought, or ought not, to be observed: for this purpose, he had gone through all the modes, and had defined at what time they were to be considered in the imperative. There could be no such distinction, for they must at all times be imperative; and their lordships might as well have no orders, if they could be thus frittered away, by leaving it to their discretion to consider them imperative or admonitory. He had no disposition to put any obstacle in the way of the present bill, other than resisting its infringement upon the orders of that house; for if the commons once found out a mode of sending up bills in that way which tended to a breach of the orders of that house, they might be induced to do so on some occasions highly dangerous to their lordships' privileges.

The Earl of *Lauderdale* was surprized at what had fallen from the noble lord (Hawkesbury) in laying down a distinction, when the orders of that house should be considered imperative, and when admonitory. It was absurd to consider any Standing Order admonitory: that house might as well have no orders at all if they were not imperative. This doctrine had been also laid down by the noble and learned lord on the woolsack, and it was astonishing to him that those two noble lords could thus attempt to destroy their lordships' standing orders. He could not account for it but upon this principle, that the language used by them was intended, on their part, to be imperative towards that house.—The question was then put upon the original motion, and agreed to without a division.

[INDICTMENT BILL.] On the question for going into a committee on this bill,

Lord *Erskine* thought it his duty to oppose its going into a committee, considering it, as he did, an alteration in the law of the land, without any necessity whatever being shewn for it. It had hitherto been invariably the practice of the constitution to draw a distinction between an indictment found by a grand jury, and an information filed by order of the court of king's bench, or by the attorney general *ex officio*. It was now for the first time to be declared, that on informations as well as upon indictments, the parties were to be held to bail. The practice had hitherto been upon information, to summon the party by subpœna, and if he did not appear to issue an attachment, but not to hold him to bail, the attachment being discharged the moment the party put in an appearance. Under this bill, upon the information being certified, the party might immediately be held to bail. To such an alteration he could not consent, unless some strong necessity was shewn; and not a word had been stated in favour of this bill to prove any such necessity. It was nothing to the point, that the present attorney general would not commit any abuse of his power. They were to consider what future attorney generals might do under this bill;—the king might be deceived, and a worthless person might be appointed attorney general; or an attorney general might be deceived, and informations, *ex officio*, might be filed for expressing opinions which every man had a right to express; and persons might, under the operation of this bill, by being held to bail, be grievously oppressed. At a time like the present, when the people must necessarily bear great burdens and endure great privations, and when there was every probability they would be called upon to bear greater burdens and endure greater privations, he thought it unwise and impolitic to run the risk of exciting discontent by altering that law and that practice of the constitution which had been established by our ancestors, and had continued for centuries, by placing the attorney general upon a level with a grand jury. The bill, by the powers it gave, tended to abridge the freedom of the press; and though he, as much as any man, wished the licentiousness of the press to be checked, he objected to this bill, because it tended to fetter the freedom of opinion, by placing those who uttered opinions disagreeable to the government, in the power of an officer of the crown.

Earl *Stanhope* said, he had waited a little while, that some noble and learned lord might have an opportunity of speaking, but he was astonished at their silence. They perhaps thought it more prudent to remain silent, when they could give no reason if they spoke. If the noble and learned lord on the woolsack thought what was assigned in the preamble a sufficient reason, he would produce his own expressions, not in that house, while in debate, but in an act of parliament of his own framing, which would give the lie to the reason mentioned in the preamble of this blasted bill brought up from the house of commons. That house ought to be reprobated for sending such a bill; it was as contemptible in its formation as it was wicked in its principle. The noble lord commented upon the similarity of title of this bill, and that of the 26th of the present king, which was produced from the infamous bill of Pepper Arden. This act of the 26th had not continued for many years when the noble and learned lord thought proper to introduce another bill, which also passed into a statute, and in the preamble of that statute it was expressed, that great grievances to the subject and a loss of justice had been occasioned by the former one. Now, the present bill said that great convenience and benefit had resulted from the former as well as the latter. He considered it as an infringment of the liberty of the subject, and one which deserved the utmost reprobation. He was surprised at the indifference shewn by that house upon such an important change being made in the fundamental laws of this realm. When he looked round the house, and saw, on all sides, the benches deserted upon such an important occasion, he could not avoid making one observation, that if any business had been transacted there, which might excite some curiosity about the father of a child; or if it occasioned the presence of a beautiful young lady, their lordships' benches would have been as full as they could be crammed. He did expect some answer would have been given to the strong arguments of his noble and learned friend, but he supposed they were unanswerable. —Upon the motion being again made by the lord chancellor,

Lord *Holland* rose, and expressed the utmost astonishment that no answer should be given to what had been stated by his noble friends. It was unparalleled in the history of this country, that so great a change should be made in the law of the land, without any necessity or reason but those stated in the preamble. His lordship here, with great eloquence, urged, as he had done on a former occasion, the danger of altering our laws, generally, for the purpose of obtaining the convenience of extraordinary laws made for the revenue. There were objections made by him and his noble friends which had not been answered, and in such an important change of those laws which had been handed down to us from our ancestors, and which attracted the admiration of mankind, it was requisite, he thought, that some necessity for such a change ought to be shewn by those who defended it. For his part, he considered it his duty to give a most decided opposition to such an innovation. He saw no necessity for the measure; and he thought there would be considerable difficulty in convincing him that there could be any necessity for this dangerous alteration. If the bill did not alter the law, but enacted what was already enacted, it was absurd,; and if the alteration was made, he could never assent to it, unless he was persuaded there was sufficient necessity for that alteration.

A division took place on the question for going into a committee, Contents, 15. Non-contents, 6. Majority, 9. The house then went into a committee. Upon the first clause being read,

Earl *Stanhope* said, that although he much commended the conduct of his noble friends, who had left that house because they would not be present when such a pernicious bill passed through the committee, yet he had staid himself; for, after the unjustifiable manner in which this bill had passed before their lordships, he had an inclination to see what their lordships would do in the committee. He then submitted several alterations, and in the course of the proceeding referred to the statute of Ch. 1. and shewed what attention was therein paid to the liberty of the subject and the guarding him from imprisonment. When this statute was passed, it received the royal assent differently from any other act of parliament. The king said 'let right be done the people, as is by parliament demanded.' The noble lord then proposed an amendment, to exclude from the bill informations filed *ex officio* by the attorney general, which was negatived; as were also some other amendments proposed by the noble earl.

HOUSE OF LORDS.

Wednesday, May 25.

[INDICTMENT BILL.] Earl *Stanhope* observed, with respect to this bill, that he should wish to move that it be read a third time this day eight months, but as that motion would not be carried, he must confine himself to fixing a day, in order that noble lords might be aware of it, and when he hoped they would attend. He therefore proposed Monday. His lordship observed, with respect to trying a man in his absence, that a jury, if they found the defendant was not present to take care of his own defence, might acquit him, and that a jury would not be subject to an attaint for an acquittal. After quoting at length some law cases, and reading several extracts from acts of parliament, for the purpose of proving the former practice and usage of the constitution, his lordship concluded by moving, That the bill be read a third time on Monday, and that the lords be summoned; which was ordered accordingly.

HOUSE OF COMMONS.

Wednesday, May 25.

[WESTMINSTER ELECTION—CASE OF PRIVILEGE.] Sir *Francis Burdett*, adverting to the communication which he had thought it his duty to make to the house on a former night, relative to certain proceedings in one of the courts below, which appeared to him to trench upon the Privileges of that house, informed the house that the practical consequences, for which it had been recommended to him to wait, had now taken place. He assured the house, that in bringing this question again before the house he had no interest in it, but what any other member would, and ought to feel, upon a subject affecting his privilege as a member of parliament. The question was simply this, whether a member elected without his knowledge, and taking his seat in obedience to the king's writ, was or was not liable to incur any part of the expences of taking the election? He did not mean to submit any proposition to the house upon the subject, neither did he make any complaint. Having thus brought the matter under its consideration, it would be for the house to decide, whether or not the case was of such a nature as to call for its interference.

Sir *A. Piggott* expressed a wish to know, what were the exact circumstances of which the hon. baronet complained?

Sir *F. Burdett* stated, that the practical inconvenience to which he now alluded was, an execution having been sent into his house, for what were said to have been expences incurred in taking the election for Westminster; for which he had not been a candidate, and of his nomination, or indeed election, to which he was almost a stranger till the event had taken place. The ground of the decision, too, was the fact of his having taken his seat in that house.

The *Chancellor of the Exchequer* apprehended that his learned friend opposite, (sir A. Pigott), had not been in the house on the former night, when this case was brought forward. He had then stated, that whatever the decision might have been, the house was not in a condition to give any redress. The hon. baronet then stated, that the direction of the noble and learned judge was, that the person who appeared for sir F. Burdett and claimed seats for his clerks, should be adopted as his agent; because the hon. baronet had since taken his seat in consequence of that election. He (Mr. Perceval) then stated, as he did now, that the house was not in a condition to take advantage of this fact. Had this been the direction of the Judge, the direct and regular road of proceeding would have been to have applied by writ of error, or on the ground of misdirection on the part of the judge; if wrong or right, the ground of the decision would then have appeared on the record, and would have been seen by the house. The hon. baronet's counsel, however, not having adopted that mode, but having moved for a new trial, which had been refused, no way now remained for bringing the matter with effect before the house. It now appeared not to be a case of privilege, in which a member of that house, as such, was interested; but a common case of debt, for work and labour. This circumstance did not arise from any defect in the Judge, who tried the case, but from the neglect of the counsel of the hon. baronet.

Sir *A. Piggott* declared himself to be perfectly satisfied that this was not a case in which the house could interfere. It was a proceeding in the regular course of justice. If the action in this case could have been entertained at all, it must have been on the ground that it arose out of a contract. The act which allowed the expences of erecting hustings, &c. in the case of counties, did not extend to boroughs; yet even there, candidates might agree that for their accommodation, or that of their voters, during a contest of 14 or 15 days, hustings should be erected, the expence of which could not reasonably be expected to fall on the high bailiff. The action, therefore, could only be on the contract so supposed to be entered into, and could of course have no relation to the election, so as to make it a matter of privilege to be taken up by that house. This must be a question either of fact or of law, and in either case it might have been brought before the court by demurrer, or by bill of exceptions, so as to have the ground of it appear on record. It behoved those who had the legal means of defence in their own hands to go before the judge in a regular manner. If they omitted to do so, it was not for that house to interpose. If the house should be of opinion that it would be improper that a candidate should be on any account at the expence of erecting hustings, let it be made the subject of a prospective regulation. But as that was not the case at present, this must be like any other suit founded on a covenant, the effect of which must be construed by the jury.

Mr. *Tierney* said, it appeared to him, notwithstanding what had fallen from his hon. and learned friend, and from the right hon. and learned gent. opposite, that the present was a question of privilege. He could not admit of the doctrine, that the house of commons was not entitled to interfere in the acts of omission or commission of the courts below, so far as the privileges of the members of that house were concerned. The case was this; the worthy baronet was returned without his knowledge, and without any previous consent on his part: the returning officer had no right to make a demand on any candidate for hustings; but a person whom he supposed to be the agent of sir F. Burdett having made use of them when erected, he sues sir Francis for his proportion of these expences; the judge esteems the hon. baronet's taking his seat as a confirmation and approbation of the conduct of the person who appeared on his behalf, in fact as a recognition of him as his agent; he instructs the jury accordingly, and they, in compliance with this recommendation, find the worthy baronet liable. If these facts were so, he asked, was not this a grave and serious question of privilege? Or was the house, by refusing to listen to it, to sanction the idea, that in complying with an order which he was not entitled to resist, namely, taking a seat when called to it by the electors, every member of that house was to incur a penalty which he had not contemplated, and which, but for the officious and forward zeal of a person with whom probably the party had no concern, the returning officer had no right to demand? In saying this much, the right hon. gent. begged to be understood as by no means reflecting on the noble and learned lord who tried the action. He knew that there was no person less likely than he to do any thing that could seem to infer a breach of the privileges of the house. It was possible, however, that even he might be mistaken. It would be a grievous burden if a member returned to parliament without any personal interference of his own, were obliged to shew, as by law he was, not only that he possessed a qualification of 3 or 400*l.* a year, but also to produce out of his pocket 4 or 500*l.* to defray the expence of the hustings. He hoped, therefore, the question would not be supposed to have been disposed of, but that it would be renewed for after-consideration; appearing, as it did to him, to be one well worthy of deliberation before a decision was come to upon it.

Mr. *Leycester* said, that the person who had been held as sir Francis's agent had called on the high bailiff, and, in the name of sir Francis, declared that he would not pay for the hustings; yet that this same person, day after day, asked, obtained, and availed himself of, the advantage of seats for the check-clerks, inspectors, &c. who were to attend to the hon. baronet's interests in the election. The learned gent. did not pretend to say what was the recommendation of the judge; but it was hardly probable, that it was such as had been represented, else a new trial, which had been moved for, would have been granted.

Mr. *Bathurst* thought it impossible for the house to entertain a question on which they had no authentic information, the recommendation of the judge, which could alone form the ground of the proceeding, not having been entered upon the record.

The *Speaker* said, after what had passed in allusion to himself, it was necessary for him to put the hon. baronet right as to what he had stated on a former night. What he said was, that when any practical inconvenience did arise, if the hon. baronet continued to think that it involved a question of privilege, he should in that event lose no time in applying to the house. He had no hesitation in saying, that if any judge should recommend to a jury what could be construed into a breach of the privileges of that house, it was the duty of the house to resist, and to guide their course according to circumstances. As there was no motion before the house, he should only suggest two different modes of proceeding, both of which had been adopted in the reign of Charles 2. One was in the case of judge Weston, where an impeachment was ordered; and the other in the same reign, where that measure not being deemed necessary, the matter was allowed to drop without any further discussion. Those who thought the present a case of the most serious nature, would probably be of opinion, that the former of these was the preferable mode of proceeding; while others again might be inclined to think that the latter was the most desirable way of disposing of the present question. He had stated what were the modes of proceeding; and it was for the house to say, whether in this case the more or less serious mode ought to be adopted.

Sir *Francis Burdett* said, the sources from whence he derived his information as to the recommendation of the judge, were the notes of the short-hand writer employed to take down the trial, and the information of his counsel. He esteemed these as affording him sufficient foundation for bringing the matter before the house. The only thing he had submitted to the house was the instruction of the judge; that the circumstance of his taking his seat, a thing which was incumbent on him, was such an approval and ratification of the proceedings had under the election, as must subject him to the expence of the hustings. He felt himself by no means interested in the fate of this discussion. He esteemed it to be the cause of the house; and if he had taken a bill of exceptions, or adopted any other mode of setting aside the verdict than that which he now used in submitting the case to the consideration of the house, he should have conceived that he subjected himself to a severe censure for his conduct. He now left it to the house to determine as they thought proper.—Here the matter dropped.

[ROMAN CATHOLIC PETITION.] Mr. Sheridan presented a petition from the Roman Catholic inhabitants of the county of Wexford, praying to be relieved from the disabilities under which the Catholic body labour.—Sir John Newport presented a similar petition from the Catholic inhabitants of the city of Waterford.—Mr. Butler presented a similar petition from the Catholic inhabitants of the county and city of Kilkenny.—Mr. M. Fitzgerald presented a similar petition from the Catholic inhabitants of the county of Kerry.—Mr. Shaw presented a petition from the lord mayor, aldermen, and common council, of the city of Dublin against the Roman-catholic Claims. All which were ordered to lie on the table.

Mr. *Grattan* then moved, "That the Petition of the Roman Catholics of Ireland, whose names are thereunto subscribed, on behalf of themselves, and of others his majesty's subjects professing the Roman Catholic religion, which was presented to the house upon Monday last (see p. 489) and then ordered to lie upon the table, might be again read."—The Petition was read accordingly; after which the right honourable gentleman again rose and addressed the house as follows:—

"Mr. Speaker; the Petition which the house has just heard read contains the sentiments of the Catholics of Ireland. Not only that Petition, but the other petitions presented this day, speak the sense of that body. I may therefore fairly assume, in the course of what I have to say, that it does speak the sentiments of four fifths of the Irish population. The Petitions come from a considerable portion of your electors, having political power; forming a part of the United Kingdom; and applying to the constitutional organ for a legitimate object. In discussing the merits of the petitioners' claims, I should recommend to gentlemen to avoid any intemperate language, and to adopt a spirit of concord, that nothing may pass in debate which shall sharpen the public mind. Whatever decision the house may come to, upon the motion which I shall have the honour to propose, for going into a Committee to take the Petitions into consideration, I should hope that the temper with which it will be met, and the manner in which it will be argued, will rather approximate the minds of gentlemen, than remove to a farther distance, the great objects of justice and of policy. With such hope, therefore, I wish gentlemen would apply the balm of oblivion; that they will not revive those topics which can only serve to irritate and inflame; that they will not go back to the battle of the Boyne, nor to the business of 1745, nor indeed to any of those afflicting periods in which, unfortunately for my country, parties contended against each other. If you go back, so will the Catholics; if you make out a law against them, they will make out a case against you; then we shall have historian against historian! men of blood against men of blood! The consequence will be, that the parties will remain unreconciled and irreconcileable—each the victim of their own prejudices, and the result will convince you that the victory remains only for the enemies of both. In the course of so many years of contest and prejudice, it is impossible not to recollect that much evil must have been engendered, national calamities must have multiplied, and much violence have passed. In the tempests to which Ireland was reduced by the two contending parties—the one fired by bigotry and intoxicated with victory—the other overpowered by misfortunes, and wrung by oppression—I say, it is impossible but that great political evils must have arisen. However, therefore, we may lament those times, we trust all agree, in settling their accounts there was much to admire in both parties, but also we must recollect that there was something to forget. Something has happened since those periods which makes it necessary to do away those religious distinctions. It is now desirable that a spirit of unanimity should prevail. When gentlemen call to mind the state of the war, and the consequent danger which menaces our empire, they must be convinced that unanimity is necessary for our existence as a state. It is this feeling which pervades my mind, and it is a feeling which I most seriously wish to impress upon the mind of this house. A cordiality in co-operation is what I strenuously recommend; and I do most sincerely hope and trust that the good sense of both nations will supply the defect of national concord. We are now arrived at that period when the cessation of all party rancour, and religious animosity, is not only desirable, but fundamentally necessary. It is a sentiment which not only the Irish Catholic and the Irish Protestant should feel, but should be the guide of both nations in their intercourse with each other. With great concern, therefore, I saw scribbled on the walls of this country, these idle words, "No Popery." What could be the object or the hope of those who encouraged so wicked and abominable a cry, I cannot pretend to divine. It could not be for the purpose of promoting unanimity, nor of adding to the national strength. On the contrary, it had this effect, that it held out to the people of Ireland, and to the world, this country as a people devoted to civil commotion, as a nation of fanatics, incompetent to any other purpose but fanaticism, and incapable of acting with energy against the enemy of the British empire. The counter Petitions which were presented upon a former occasion, were the sentiments of well meaning men, who, when they fled from the shadow of the Pope, were precipitated into that gulph into which so many nations had fallen and continue to fall. It gives me great pleasure to see that the sense of public danger has recalled men's minds from those narrow principles which a ridiculous fear of Popery had so long encouraged. Those fears are now removed, and therefore it is that you do not find upon the table of this house any one Petition against the Roman Catholics (save one presented this day). Such symptoms augur well for the security of the empire, and I congratulate the public upon it. It is an example of liberality well worth the wisdom of a great nation, of that wisdom which prompted you to form an alliance with Austria—You restored the Pope—you took Catholics into your pay—you afforded protection to the family of Portugal, you lent aid and assistance to transplant that family to South America—you planted Popery there, in so doing you acted wisely. You have shewn the innocence of the Catholic religion—that there is nothing in it dangerous to the state, and you have thereby falsified all those idle notions of the vices which some persons attributed to that mode of faith. What then do I ask of you this night on behalf of your fellow subjects, why this: that in the same spirit of wisdom and of liberality you would extend to one-fifth of your fellow subjects those beneficial principles which I say you so wisely and liberally extended to your foreign connections professing the Roman Catholic faith. It therefore now remains for you to exert that wisdom on behalf of your fellow subjects—to shew them that you are not less anxious for them than you were for your foreign allies—to convince them that an alliance, a natural one! with them, is not only your anxious wish, but that it is also your indispensible interest. It is on these grounds that I shall move for the house to go into a Committee on the Petition. The Petition prays relief for certain disabilities and restrictions which the act of the 33rd of the king did not remove; that act allowed them a certain portion of political power—it gave them elective franchises, and made them a part of the constituent power, subject, however, to certain exemptions; but it did not allow them to fill all offices in the state, nor did it admit them to eligibility for seats in parliament. It admitted them to all offices civil and military, with the exception of about forty in number. It is against these exceptions they now petition, and apply to be admitted to fill all offices.—Before I proceed to offer some arguments in support of the Petitioners' case, it will be necessary for me to notice the arguments of those who oppose this admission; and first then against the exceptions. It has been objected against the Catholics, that they freely acknowledge the power of a foreign potentate, and that they are not bound by the obligation of any oath which they make with persons of a different religion; that is to say, that a portion of your subjects, composing one-fifth of the population of the whole empire, a very considerable part of your constituency, hold principles which militate against the preservation of the social compact—are destitute of all those moral principles which regulate the social system—that they are execrable and are rendered thus execrable by their religion, and consequently unworthy of participating in the rights and privileges which their fellow subjects enjoy, and which I say they are entitled to. Such a doctrine goes this length: it says that the Catholic religion is a nuisance—a religion which is professed by the greatest proportion of Europe. If such an inference be just, and if such be the true character of the professors of the Roman Catholic faith, then it follows of course that the religion of the great portion of the civilized world is worse than useless. The refutation of such a position does not depend upon abstract reasoning or forced construction. It has been contradicted by the most profound professors of popery in different countries. In the year 1791 the sense of the Catholics was taken upon the subject, certain questions were put to the six principal universities on the continent, applicable to the doctrines held by the professors. The universities were those of Paris, Louvaine, Salamanca, Douay, St. Omers, and Valladolid; to these queries they answer, "That Roman Catholics do not hold themselves absolved from their allegiance to a protestant prince, and they declare that faith is to be kept with heretics—that the Pope has no temporal power in England, either as to deposing a prince or otherwise. They also declare that such principles by their religion were condemned, reprobated and stigmatized." These questions they answer with much moral indignation, and with much learning, and aver that such actions and tenets do not belong to the Catholic religion. Such is the testimony of the professors of that faith in foreign countries, and I am therefore justified in saying, that it is not the profession of Catholics in general. With respect to the Catholics of Ireland, they have furnished not less than six instruments, all refuting the imputations cast upon their religion. By these instruments they disclaim the deposing power of the Pope, and all his right of interfering in temporal matters. By the oath which they are required to take in the act of the 13th and 14th of the king, these disclaimers are recognized; and by the act of the 32d of the king, they renounce the right of the Pope as to his claim upon property; they swear to support the Protestant State and Church, and deny the infallibility of the Pope. From this I am strengthened in inferring, that there is no moral incompatibility between the two religions; but those who argue the contrary contend that there is a political incompatibility, and they ground their objections upon this principle: that it is impossible for a subject to hold allegiance to a Protestant prince, at the same time that he professes to hold a religion contrary to the established religion of the state, and recognizes a foreign power as the head of his own religion. The Catholic acknowledges the supremacy of the Pope in a spiritual sense. To prove that this admission, or the belief in transubstantiation, the invocation of saints, or the other points of Catholic doctrine, such as the celebration of mass, the eucharist, are incompatible with allegiance to the house of Hanover, is to require as great a miracle as the transubstantiation itself. It then becomes this house, and it is a duty imperiously thrown upon us, to inquire whether, in the present state of the world, there does exist any motive powerful enough to call this supposed hostility of the Catholics into action. There is now no Catholic pretender on the continent—no Catholic association or confederacy in Europe. In Catholic countries all religions, without distinction, are admitted into civil and military offices, indeed there has been a silent reformation as to religious influence in the public mind, and even Popery itself has drawn much of its toleration and liberality from the progress of protestantism. In America no such principle of exclusion can or does exist; and it must be recollected, that the Protestant and the Catholic of that continent confederated, in conjunction with France, but still there was nothing in it of Catholic combination. While the Protestant religion cannot procure you one single ally on the continent, with the exception of Sweden, will you then consent to disqualify one-fifth of your subjects at home? Will you direct your strength and vigilance in array against a Catholic combination, at a moment when your danger is the result of an anti-English conspiracy among the countries of Europe, formerly your allies? Is this the moment, I would ask, to deprive yourselves of that beneficial and necessary assistance which can alone exist in the union of all ranks and descriptions. If you suffer that narrow principle to regulate your conduct, then do I contend that you do not give your country fair play; but you do give to the foreign enemy the best means of effecting his purpose, by allowing a narrow, mean, and selfish policy to govern over your better judgment. There cannot therefore be any moral incompatibility to the measure, but I think I have shewn that a very urgent political necessity exists for uniting all against the designs of a foreign enemy. It certainly has been the opinion of all political writers, that tests are the symbols of political sentiments. I do not pretend to say that there may not be cases in which it is necessary for a state to act upon the principle of exclusion. That is a proposition which, taken in a general sense, no one would dispute, and may be acted upon where the practice of any religious precept is evidence of foreign attachment. It will not be denied me, as a general proposition too, that there are certain rights to which all subjects are entitled—that the state has a right to demand the assistance of the talents of all the subjects, and further, that it has not the right of imposing arbitrary tests. But there may be cases in which subjects lose these rights, and then the imposition of an arbitrary test is defensible. In this particular case, however, it cannot apply; for here, as I think, I have distinctly shewn, no foreign attachment is proved, or indeed can exist, for it is evident that foreign attachment has long since ceased. To justify you, therefore, I say, you must prove a probable case, and you must prove more; that it exists only with reference to the Pope. What is this cause for jealousy? In what does it consist? Why, in this—the Pope! And what is the Pope? Why the Catholics have proved to you that the Pope is nothing more than a name, for they consider him in the light, and in no other, than a spiritual power—they have abjured him in all temporal cases; they have abjured him in all mixed cases, particularly in all cases which in any way relate to the state.—Let us, however, examine the matter further. It has been objected to the Catholics that marriages, and of course inheritances, are subject to the controul of the Pope. The idea is absurd and monstrous! The house will now recollect that marriage is a civil contract; that inheritance is good only by the laws of the country; that it is so is proved by the acts passed upon the subject; that they have lost that inheritance, and acquiesce in the laws, is clear by the 9 Will. 2 Anne, 19 and 23 Geo. 2, by which marriage and inheritance are set aside, and the next of kin is only tenant for life. To tell the Catholics, therefore, that, at the present day, they consider such contracts in a spiritual light, is to insult their understanding, and to upbraid them with the disbelief of that system to which they fell victims.—The next point to be considered is with respect to excommunication. In the first place, they say that marriage is a temporal obligation—excommunication a spiritual one. They further say, that excommunication has not been urged with reference to any legal or temporal consequences, but that Catholics have enjoyed all the privileges of life, and in these cases are denied nothing but the sacrament. In some letters which I have seen annexed to a very able production in the shape of a pamphlet, the work of a learned gentleman of this house, to whose labours and information his country and ours are equally indebted,* to the charges of the Catholic clergy claiming a right to tythes—that they deny the right of the Protestant clergy to tythes—that they claim legal existence for a Catholic establishment, and that they exercise the right of excommunication in all temporal cases—the most positive and unequivocal denial is given. They deny that they have ever resisted the right of the established church to claim tythes—that they have claimed an exclusive establishment for the Catholic church—they do not deny that taxation to the Protestant clergy is founded in justice, and for the truth of these denials, they appeal to their fellow-subjects in the most solemn manner, and profess their readiness to swear to the facts. As to excommunication, that they say, is confined entirely to the Bishops, and declare they have not claimed nor exercised any of these powers imputed to them by their adversaries. In one of their principal dioceses, that of Dublin, I have the authority of Dr. Troy, the titular archbishop, to say, that in the course of 19 years, the time in which he has filled that see, only two instances of excommunication have occurred; and that during the time of his predecessor, Dr. Carpenter (17 years) only the same number took place. I appeal to the good sense and judgment of the house then, whether the power of the Pope, in regard to excommunication, can be looked on as dangerous.—Now, then, with respect to the other side of the question. It has been argued, and with much force, that the power of the Pope in the nomination of bishops may be considered of a dangerous tendency. With respect to this power, the Catholics themselves nominate the Bishop; the Pope gives him a spiritual capacity. If gentlemen think this a dangerous power, why then, I have a proposition to make, a proposition which the Catholics have authorized me indeed to name—It is this: "That in the future nomination of Bishops, his majesty may interfere and exercise his royal privilege, by putting a negative upon such nomination; that is in other words to say: that no Catholic Bishop shall be appointed without the entire approbation of his majesty."

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* Sir J. C. Hippisley, M. P. author of a work intituled, "Substance of Additional Observations on the Catholic Question."

The house will be aware of the benefit of such a proposition—of the desire of the Catholics to conform to the government of their country, for this would effectually prevent the appointment of any Catholic Bishop to the head of his church, who was not politically approved of, by the government. If it be true that Bonaparte has controul over the Pope, the Pope over the Catholic Clergy in Ireland, and the Catholic Clergy over the laity; why then it follows, that Bonaparte has controul over a very large proportion of the British army and navy. It is for this reason that I wish the house to go into a Committee on the Petitions, and to come to a resolution approving of the proposition I submit, and it is the more necessary, because it has been contended, not that the danger will arise, but that it now really exists. Here, then, is a power to be vested in his majesty which must operate to do away the danger complained of, by destroying the influence of Bonaparte, if such influence actually exists. If this be not acceded to, it will then be for those who, under such circumstances as they have charged, wish to persevere in their hostility and exclusion, to state broadly and roundly their reasons, for such perseverance—a perseverance which can only tend to make the king weak as to the Church, and the constitution weak as to the Catholic body. The proposition will make a double connection—the two churches will be as one, and the king at the head. By these means all danger will be removed, the moral and political entirety of his majesty's dominions will be established; the constitution will be invigorated and strengthened by connecting the Catholics with the parliament, and the king with the Catholic clergy, by the interference which he must of course exercise in consequence of the appointment.—Having considered this subject upon general grounds, I shall now proceed to examine it with respect to its application to Great Britain and Ireland. The Petition which has this night been presented in opposition to the prayer of the Catholics, has attempted to ground its hostility upon the principles recognized at the Revolution. Admit such a principle, and you make that glorious occurrence fatal to its own interests. It has been objected, that the claims of the Catholics are inconsistent with the Declaration of Rights, and the oath prescribed by that instrument. If so, why then the Revolution which established the liberties of this country, and from which you derive such blessings, was pregnant with illiberality to Ireland, and the Declaration of Rights was fatal to its own interests. But I deny that any fundamental law exists against the extension of every civil and political immunity to Catholic subjects, consistent with the security of the empire. If there be any such fundamental law, show me where it is. It certainly does not exist in the assumed power of the two branches of the legislature in 1742. On that occasion it passed by a vote of both houses of parliament, an act of power assuming the legislative authority! It was afterwards sanctioned in 1761, by a resolution in a similar manner, without becoming an act of the legislature. To be sure it then had a formal act to sanction the measure, but that was an act of oppression, which could not bind the Irish legislature. The act of king William, which re-enacted this provision, was also an act of oppression, and it was not till the year 1782 that the effects of these provisions, and the oaths they enjoined, were done away by a bill introduced by an hon. friend of mine, into the Irish parliament. But I not only contend that there is no fundamental law to sanction this exclusion, I also contend that it is a violation of a constitutional principle. It is certainly true, that the succession to the crown was, at the Revolution, limited to the Protestant branches, but it is not to be thence inferred, that persons professing a different faith, are in consequence to be excluded from filling offices in the state, and rendered incapable of sitting and voting in parliament. The principle of that provision is at direct variance with the assumed inference. The principle of the provision is founded on this ground, that the executive shall be of the same religion as the majority of the people, but the inference is directly the reverse. The principle of the constitution is, that you shall have the benefit of the talents of all descriptions of subjects in the lower branch of the legislature. In one case it goes to the limitation of the crown—In the other it goes to the diminution of the subject's right. I have said that it is a violation of a constitutional principle, and I am firm in my opinion. It has been upheld as a fundamental law that the Commons form a part of the legislature, of which part the Catholics take a share, I mean in regard to their elective franchises. This was settled by the act of 1793, and recognised by the articles of the Union; you must therefore extend the principles of your constitution, or abandon them altogether. You told us that the Union would consolidate the resources and the interests of both islands. I now call upon you to consolidate the strength and energies of both nations by fulfilling the contract. Unless you carry into effect that measure, then do I contend that it was an act of ambition *quoad* the parliament of Ireland, and an act of bigotry, *quoad* the people. If your fears for the security and permanence of your constitution be sincere, why do you not extend your attention to the source whence the real danger arises? Does the danger proceed from domestic treason, or the fixed and indefatigable hostility of your foreign enemy? In either case, where would you look for security? Certainly in the people! why then, I say you would act wisely in agreeing to the prayer of the Petitions, by attaching to you one fifth of the whole of your population. Are you then, when you contend that danger is abroad, so foolish or so frantic as to persist in the exclusion, or do you look for security in the extravasated ambition of depriving one fifth of your subjects of their rights, and of depriving the empire of their assistance? Do you think your constitution is in most danger from the attacks of a foreign enemy, or from firing the resentment of one fifth of your people? Is your constitution safer, because four millions of your people have only to look up to the sovereign for mercy and protection? Is the church in less danger if you make it incompatible with the civil co-operation of one fifth of your people? I would ask is the state in less danger? Is a tree more firm when its roots are torn up, or a capital more secure when the base is taken away? or will you tell me what in the natural world is radical weakness, constitutes in the political world both security and strength? No! your very measures prove that you feel the insecurity of your policy. When you passed your famous Levy en Masse Act, and the Training Act, why did you not extend their provisions to Ireland? for this plain reason, because you had not extended your constitution. Why did you not call upon the energies of your fellow subjects there? The reason was, you felt the fatal effects of that exclusion upon which the Irish parliament was stranded. Such conduct will neither guard the church nor state. But it is in vain to delude yourselves by a concealment of the fact. The day will arise when the act of settlement, and the Protestant establishment itself must be defended by Catholic co-operation. If you wish your Catholic subjects to shew the same zeal as their fellow subjects, give them the same privileges. It has been argued, that to have a Protestant king and Catholic councils, would be an anomaly in politics—I see no such anomaly. Look at the history of nations, when the danger was as great as it is now. Was Henry 4th less faithfully served because he happened to have the duke of Sully for his prime minister? Was Lewis 16th in greater danger from the counsel of Turenne? and yet both these great ministers were of a different religion from the established religion of the country. While your enemy employs all the talents of his state, and brings into action all the energies of his subjects, can you confidently hope for security by rendering useless a great part of your population? What do the petitioners want? not a transfer of power, or the absurd establishment of a Catholic Parliament, but they do require a restoration of their legitimate rights, an admissibility to power. They ask for nothing which invades any recognised principle of the constitution, or fundamental laws of the land. The principle upon which I say you act inconstitutionally, is in making a monopoly of the state, and of the parliament, to the exclusion of a great portion of the constituency of the empire. It has been argued, that the Catholics are guilty of treason in refusing to take the oath of supremacy, (which the Dissenters do not take,) and because they are attached to the Pope. This is not true. Equally unsupported by sound argument, and confounded, in truth, is the charge made against them, of a desire to overturn the established church; indeed, they have been insulted and stigmatized, in opposition to repeated declarations of parliament; in opposition to the 18th, and to the 33d of the king, which gives them a certain description of political powers. Such objections are founded upon the most gross errors. Those who argue against the Catholics seem to consider them as a race incapable of every virtue, and capable of any vice, an execrable race, whose hearts no mild treatment could soften. I argue, in refutation of these charges, that the Catholic pays his quota to the exigencies of the state; he also pays his proportion to the church establishment; the very payment of these quotas is perverted into an argument against their hopes. Those who have argued in this manner, and justified their arguments on the score of religion, rendered even Omnipotence subservient to their vile purposes, and as it were attempted to bolster up Omnipotence, by accommodating the Deity with a certain portion of their own vices and crimes; in place of a religion founded on those pure maxims of truth and justice, which are as unchangeable as the moral properties of God—It is then, I say, to bolster up a false and fraudulent system under the pretext of religious worship, for no other end, and having no other object in view, than to gratify the selfish interests and sordid passions of the few, by converting into an instrument of vexation and injustice, that which was ordained as the blessing and consolation of the many. It is only upon the mild and beneficent attributes of the Divine Author of our being that we should found the stability of our church and, say of it "esto perpetua." But though they overlooked the Deity and his attributes, they did not lose sight of their own emoluments. They saw in it a little profitable church establishment, which they bolstered up in some contemptible test law. How then, I would ask, are the Catholics to destroy the church establishment? It must either be by law or by force—If by law, why then it is evident, before they can hope to obtain their end, they must become the majority of the empire—that, however, no one can apprehend. But by admitting their claims, it is urged you give them a physical force. Such sort of reasoning would apply, if speaking of Turks or Pagans, but is it the language which we ought to use when speaking of our fellow Christians? of our fellow subjects? A Catholic then, according to those reasons, generally speaking, is an execrable Pagan, because he obtains some of his privileges, and then has the temerity to ask for the remainder. Now let me consider the objections with regard to Ireland. It has been asserted that the Irish Catholics are hostile to the state, and that their hostility extends to those who profess the Protestant religion—That hostility certainly cannot apply to Ireland: for do you not suppose the Irish Protestants would be actuated by the same hostility? It is not solely to Catholics that the imputation lies, for if so, the English Catholics must be equally culpable. The charge, if there is any truth in it, applies neither to the Irish character nor to the principles of Catholics; but it applies to the law; the defects of which are too evident to need any further comment from me. Gentlemen will therefore take into their consideration the great and dangerous mischief resulting from these defective laws; they will estimate, properly, the material causes of their defects, and the consequences of them, and they will then find the result to be, that they engender in the bosom of the state, sentiments of hatred and hostility. I am, however, ready to admit, that certain stings may have been left behind by the long continuance of those penal laws, which ground the people, and the operation of which may still continue to harass and to perplex. It is in vain for you, then, to stigmatize my countrymen as a perverse and obstinate set of men, whom no measures of mildness and conciliation can soften. Let it not be said that their perverse and recreant spirits are not to be reconciled. If you still say so, you declare that man has done every thing to bring them to a sense of duty, but that the Deity has made them incorrigible. You charge them with crimes which they do not merit, and you forget that the roots of those crimes find their existence in the abominable code of penal laws, with which you have loaded my country. Why, then, do you not remove this great and crying evil? You have the remedy in your hands; repeal these laws and then you remove the crime. It was well observed by a noble and learned lord (Avonmore), when the test act was repealed, that the penal code had long been hovering over Ireland. The penalties inflicted by that code, received the Catholic at his birth! they stood by him at his bridal bed! and they did not leave him at rest, even in his coffin! It is true that part of these penalties have been removed, but there still remain many heavy ones, which I think the wisdom of the united parliament would do well to remove altogether. The people of Ireland have been told that there were many narrow spirits in their parliament; and certainly there were some who always wished to counteract any beneficial measure in favour of the Catholic subject; but they have also been told that an imperial parliament will legislate upon liberal, humane and enlightened principles; such was the promise held out to the people antecedent to the union—that promise I now call upon you to fulfil. If you do not, you break faith with the people of Ireland, and you will do more; you will not only injure the interests of your empire, but you may ultimately endanger its security.—I will now proceed to the argument, if such it can be called, of the dangers likely to arise with respect to the settlement of property in Ireland, in consequence of admitting the catholics to political power. I know that considerable alarm has been excited in consequence of a map which contained an account of the distribution of property among the ancient landed proprietors of Ireland. The fact was however, that this map, which is to be found in the auditor's office, was drawn up by sir William Petty, for the use of the then government, a copy of which had by some means been preserved in France; a copy of that copy had been obtained by a person in the service of government, and retained as matter of history; and this was the source of that publication, which created so much unnecessary alarm. There are but few Catholics who could claim by ancient descent, if that claim were even to be allowed, but there certainly are many proprietors of land who hold by recent purchase. Now, to shew the house that the share which the Catholics have in the landed property of Ireland is not so small as is supposed, I will state that the rental of one noble earl alone, is 30,000 *l.* a-year; therefore it is a gross mistake to estimate the whole of lands held by Catholics at 65,000 *l.* per annum; their proportion is from 500,000 *l.* to a million, in fee simple. Is a revolution in landed property, then, to be apprehended from persons thus circumstanced?—Then it is said that danger is to be apprehended from the tenantry.—To this I reply, that they are in a situation of poverty, from which it is utterly impossible they can emerge, and cannot be formidable to the landed proprietors. They can only take possession of the land by force of arms, or by force of laws, which must be enacted for that purpose. If there be any such settlements as those which have been circulated, I beg leave to ask, where are the lawyers who drew them up? Besides, the title of the tenantry in general depends upon protestant landlords. The relief which the petition prays will not add to the physical strength of the Catholics, but will rather operate as a reason for exercising that strength in aid of the state. Before they come into parliament they must have that property—therefore, to say that the introduction of a bill for removing those disabilities would go to alter the state of property, is a futile sort of reasoning. The absurdity of dreading as a consequence, that which must first exist as the cause of that dread, is truly ridiculous. In order to stop divisions, dangerous in the event of invasion by the enemy, now so much to be dreaded, the Protestant inhabitants of several counties, sensible that their establishment and the state could not be defended without the aid of Catholics, have presented petitions in their favour. There are not less than nine counties in all, which have shewn this noble example of liberality and sound policy. The counties of Clare and Galway have had meetings convened by their sheriffs, at which they passed resolutions expressing their ardent wishes for an admission of their Catholic brethren to the benefits of the constitution. In the counties of Tipperary, Kilkenny, Roscommon, Waterford, and Meath, and in the town of Newry, resolutions have been passed, not formally by the Protestant gentry and inhabitants, but by the great bulk of the landed proprietors; these recommendations were not owing to the influence of liberality and confidence merely —not to the absence of all suspicion of an intention to invade the landed property at a more convenient season, but to the stronger and more immediate feeling of the danger which a divided country would have to experience in case of invasion from an active and powerful enemy. A regard for their own property was the chief reason. They are not afraid of war, but they are afraid of the continuance of the disabilities, and they deprecate those terrible privileges of an extensive monopoly of constitutional right and political power. On this principle it is, that they come to offer up their monopoly, and to entreat that others may be admitted in common to defend their rights—to defend their country! without which, neither a sufficient defence for the preservation of political power, nor of landed property, can reasonably be looked to. If you accede to their recommendation, it will be the means of a greater power of defence than you can hope to derive either from your Parish Bill or from your Local Militia. What answer will you return to this recommendation? Will you say, "that although we thought you worthy to participate with your fellow subjects in election franchises, yet we think you not deserving of further concession; or, in other words, we consider you as inimical to the interests of the state?" Will you go further and say, "no, we will not attend to the prayers of your Petition, but we will, in order to provide for the perpetual safety of the empire, leave the country to divisions, and the church to the Pope!" You may leave the country to division, but if you do, you will thereby endanger the empire, for the rising of rebellion will be the consequence of refusal. Is it, then, worth while, for the sake of a paltry monopoly, which at last can be but temporary, to refuse, for such an object, the recommendation of so large a portion of your Protestant subjects? Will you, I say, adopt so narrow a line of policy, when the Catholics allow you a controuling power over the nomination of bishops? If you do, why then I contend you will leave the country to its own ruin, and you will leave the church to the Pope. It has been argued that the object of the Petition is of little value, and that it is not much regarded or desired by the petitioners themselves; but, will it be contended by those who have expended so much money in obtaining seats in parliament, that seats in parliament are of no value, and that it is not matter of any moment to subject any class of men to be excluded from them? It has been said that Catholics are not desirous of seats in parliament; and as proof of the assertion, the declaration of Connaught has been cited. But though rebellion is not announced as a consequence of the refusal, yet it does not follow, that if the boon is given, it will not be highly valued. It is not in human nature to be satisfied with being excluded from situations of honour and dignity. The exclusion of Catholics from parliament and the state, is not only degrading, but dishonourable in the highest degree. If there be an indifference to that exclusion, it is the more dishonourable to the legislature, for then it proves that the Catholics are so subdued by tyrant laws, that the spirit of attachment to the constitution is subdued among them. If so, I am sure it is highly requisite immediately to plant a soul in the body, which may animate it from the centre to the extremities. Till that is done, the exertions of the state will be crippled, and instead of sending armies to fight your battles against the enemy, you will of necessity be obliged to keep them at home to defend Ireland. In every step which the government in that case may take, they will be haunted by the penal laws. It is necessary now to place things upon such a footing, that soldiers may be called upon to fight, not for their pay, but for the constitution; that constitution which you have endeavoured to conquer them with.—You have no common feeling either for their pride or their passions.—It is not parliamentary certainly to talk of the Oath of the king, for which I entertain the highest possible respect. It has been urged that the oath of the king is incompatible with the removal of the disabilities complained of. Let us examine how far it is so. It is a fit subject of parliamentary inquiry, to ascertain whether or not the representation is just. We must not allow the enemies of the Catholics to abuse, in the first place, the religion of God, and, in the next, the piety of his majesty, without contradiction or restraint. The kings of England swore to maintain the liberties of their people. They are therefore subordinate to the law; they cannot invade the liberties or religion of any man, without committing a breach of their oath. They are not sworn to maintain the penal laws, nor to restrict the legislature from making new provisions in favour of the church. If the king, according to the provisions made respecting the church, is sworn to maintain them entire and without change, why, then, the church is placed beyond the power of human interference, and is also beyond the executive and legislative power. The penal laws are included in those provisions; and what is the nature of them?—Why, one of them goes to rob a Catholic of his horse; another prevents him from educating his sons at home, and from sending them abroad for education; another goes to deprive a Catholic father of his property. If the repeal of laws of this kind are a breach of the coronation oath, why, then, every sovereign since the time of Henry 8 is perjured—William 3, when he signed the articles of Limerick, was perjured—and queen Anne, when she passed the Act of Union, was perjured—George the First and George the Second were perjured—His present gracious sovereign, when he passsed the Quebec Act, was persuaded to depart from his coronation oath—so in 1782, when the Act of Catholic Inheritance was passed—again, in 1793, when the Catholics were allowed the exercise of their elective franchises. In short, the Coronation Oath, from which so many departures has occurred, is nothing more than the oath of succession. This oath cannot be interpreted in a manner laid down by the enemies of the Catholics without making the Rights of the church, the Wrongs of the people—by incapacitating one fifth of his majesty's subjects from contributing their best services for the benefit of the state. The church is in consequence made a confederacy against the state, and the king a party to it. There may be cases in which the coronation oath might interfere with the penal statutes; but then it would be to repeal them. The king is sworn to protect the Protestant religion as by law established—but I will suppose a case, in which it may be necessary to enlist Catholics for the army, in order to the better defence of the empire. Will it be said that the royal oath is to stand in the way at the time when the concurrence of his majesty in requiring the assistance of all his subjects to support the Protestant establishment against all enemies, is so imperiously necessary? I should hardly think such a position would be advanced. Well then, in such case, the union of all ranks and descriptions of persons in the common defence of the empire would be necessary, and then it must be evident, that so far a repeal of the penal statutes would follow. Having, as I conceive, shewn that there does not exist any moral incompatibility between the two religions, nor any of a political nature to debar Catholics from the enjoyment of those rights and privileges to which they are entitled, and that the constitution is not against them, I shall contend, that whether it be looked to in its formation, consolidation, or preservation, the relief which they pray for, will, if granted, be of the most beneficial consequences to the empire. The property of Ireland is unanimous in their favour, with a view to the extinction of religious differences. And whether you consider it in its original institution, in its principles as recognised at the Revolution, or as to its future duration, in either view it imperiously calls for that amelioration of your policy, which was the implied condition of the Act of Union, and it is further called for, in order to your complete protection against the attacks of a foreign enemy. The state of Europe is such, that all the nations of the Continent are leagued against you; it is necessary, therefore, to oppose one compact body to the enemy's irruptions. If arguments, such as I have adverted to, are to be adduced in opposition to the credit of the church, and the defence of the empire; if we are to be haunted step by step, by the remains of the penal code, why then, I say, your country is irretrievably lost, and every great principle of religion, of public defence, and of liberty, are at an end. That great and distinguished statesman (Mr. Fox) was from his earliest days the decided friend of the repeal of the penal laws. In 1778, he expressed his abhorrence of the penal code—in that abhorrence he continued to the latest moments of his life—He recommended a total repeal of those laws—Ireland will ever retain a grateful sense of the benefits she has received from that great man. When the last prayer of the Catholics was submitted by him to the United Legislature, he gave his concluding testimony against the injustice, the cruelty and impolicy of the continuance of any of the restrictions. Ireland now feels the loss she has sustained by his separation from the cares of this world, and weeps in anguish over his tomb. In estimating the qualities which so peculiarly marked his proud career, one dwells with mingled emotions of rapture and sympathy on his conscious integrity of soul—on his amiable rectitude of mind—on the complacency of his disposition—on his benevolent weaknesses—and we recollect, with sentiments of regret, the loss which the nation has sustained—In his eloquence he was commanding and convincing, and one can contemplate with satisfaction, even the negligent grandeur of his style. In presenting the former petition, the great object which Mr. Fox wished to impress upon the house was, that a compliance with its prayer would add materially to the strength of the empire. If at that time, such an object was necessary, how much more so is it at the present period, when Austria has left you; when Russia is your enemy, when Prussia is annihilated, and when nothing remains, but nations leagued against you with the common enemy, into which league, they have either been intimidated, or forced by conquest. Your danger therefore is threefold greater, for you have nothing to depend upon but your own exertions. Paralized by divisions, you will ultimately be lost in your own dangers at home—dangers, unparalleled in the history of your country—the two Islands now stand alone to contend against all mankind. Will you then, in such a crisis, foolishly and madly depend upon political divisions and religious schisms to prop a falling world? What is the idea which the enemies of the Catholics have of this danger? why they blacken a few Catholics in this house, and then conceive that divisions are to secure a falling state, and add calumny to complete the fall. Proceed in this course of insanity until you have heaped miracle upon miracle, and folly upon folly! I know it is the reasoning of many good men, and also of many bad men, to deviate from their usual habits upon questions such as these—In astronomy they will adhere to science, but in religious matters they think themselves entitled to adopt certain privileges over reason and over morals. They disregard the suggestions of one, and disown the precepts of the other—They desert the limits of one world, and fly, but without arriving at the other which they hoped to attain. They fly from all obedience to the moral laws of the universe, and in the heat of their fancy, perverted and phrensied as it is, construct a world of their own, until, callous in the obstinacy of their infatuation, they fix permanently on conclusions which they bring back, and which are pernicious to both, and common to neither, and on these conclusions they lay the foundation of danger—To avert this danger, I propose a measure which I say will produce the desired object of all, and that measure is "mutual concord." I recommend to my own countrymen to associate with their fellow subjects, be they Catholics or not. I would recommend to all classes of British subjects, the spirit of concord and of mutual charity. Banish from your breasts that fatal principle of exclusion, and we may then indeed say, *esto perpetua*. Release your Catholic brother from that personal degradation which meets him in every walk, which he sees before him daily at his own door, and which he finds illustrated in the expressions, the toasts and the merriments of the upbraiding monopolist—the Catholic deeply feels all these degradations, and therefore let the country gentleman pay due attention to the recommendation which I presume to give. I appeal to another description of persons called Orange Men, to awaken them to their folly, and to recollect in time, that though there may exist such a thing as exclusive religion, there cannot be an exclusive allegiance; these men, if argued with civilly, would feel and acknowledge the difference, and forget every insult they have received. Let government be convinced, that unless they renounce this narrow jealousy, their system will produce in Ireland bad subjects, but worse rebels, easy to conquer, but impossible to govern. If they attend to my suggestions, they may restore not only good order, but harmony. I appeal also to the government, and tell them, that if they suffer themselves to be overcome by little paltry feelings of anger, which can tend only to irritate and inflame, they will bring the administration into great difficulties, and reduce the country to disorder and confusion. It will then be no justification for them to say, that the people ought not to have felt so strongly, for the blame would be on their own heads. Believe me, the best way to guard the Catholics of Ireland from foreign attachments, is by discouraging religious bigotry amongst the Protestants. The Catholic will never feel the victory, when he finds that bigotry is swept from the threshold of the government. Do not believe the idle tales which tend to calumniate my countrymen, such as their not chusing to live among Protestants, of their refusing to take Protestant servants. If you go into the Committee all these false assertions can be disproved. The battles in Egypt would never have been fought, the victory of Maida never gained, if the Catholics of Ireland had not gone hand in hand with their Protestant brethren in every duty of good subjects, and in every feeling which belongs to good citizens. The peasantry of Ireland are not slaves, nor the landlords tyrants. Such language is calculated to render the upper ranks odious, and the lower ranks contemptible. If you want to form a judgment of the character and capacities of Ireland, look to what she has effected in the short space of twenty-five years. In that short period, the people added one third to her commerce, increased her revenue five fold, gave an accession of one third to her population, and have besides acquired a free trade and a free constitution. These are the barbarous accomplishments of Ireland. The Catholics of Ireland have a trial by jury—are admissible to all offices, but the highest offices, in the state, and above all, are a constituent part of the country—these are the rights which they possess, and these rights they would not surrender to the kings of England, and they will not surrender them to the enemy. These facts afford the best proof of the highly civilized and improved state of Ireland, and afford the best picture of that brave people who have been so cruelly stigmatized. I will not therefore call the Petition which now lies on your table—a Petition for emancipation; for even though the prayer of it should not be granted immediately, the Catholics will still retain the same desire of opposing the enemy—the same zeal in the cause of the empire. Every reason for proceeding with temper and conciliation is still desirable. Great Britain, with Ireland by her side, has to count upon five millions of inhabitants, ten millions of exports. She pays two millions of rental, two millions of interest, and contributes one third of her population to the army and navy. This is the stake which Ireland has in the empire, and this must convince you how very wicked and foolish it is to govern by any paltry acts, striking at the root of her liberties. There is on both sides ample ground of attachment, and let the decision this night be what it may, it will not create any division in the interests of the two countries. Suppose the navies of Europe, with their arsenals, were to sail at once from the different ports of the enemy, and proceed directly for Ireland, what measures would be most adviseable to take upon that occasion for its defence?—Would you send an especial messenger to array the corporations, and put down the Catholic hierarchy, and make them take the oath of supremacy? On the contrary, would you not rather send to incorporate them in the general defence? The argument applies at the present moment most forcibly, for if you would do this at such a moment, why do you not now, when you have time, do something which shall put an end to those death-doing divisions and to prepare for that great battle which sooner or later must be fought?—How would you blush, if it were possible for your ancestors to learn, that you lost the hereditary freedom of the land, because you were more alarmed at the edicts of Constance, the decrees of the Lateran and the councils of Trent, than you were at a foreign enemy! The Catholics do not approach this house with servile humility, (if, in the course of what I have said, I have uttered any thing which may savour of such an idea, I humbly beg their pardon) they come to support your empire, and also to share your privileges as freemen, now when Austria has turned against you, when Russia is no longer your friend, when Prussia has ceased to exist as a power—they now wish to share your glory, to share the constitution, and, in case of necessity, to go to the grave with you with arms in their hands! This is their prayer, and it is on these grounds that I move to refer the Petition to a Committee of the whole house. I move it on the ground of national justice, and shall conclude with two wishes—First: That you may long preserve your liberties; next, that you may never survive the loss of them.

After Mr. Grattan had sat down, some minutes elapsed before any member rose. A cry of Question! Question! then ensued, when Mr. Maurice Fitzgerald rose. The cry still continued, and strangers were ordered to withdraw: they were shortly after re-admitted, and we found Mr. Secretary Canning on his legs, endeavouring to address the chair, amidst loud cries of hear! order! chair!

Mr. Secretary *Canning* began by observing, that whenever a question of such magnitude as the present was brought before the house, it was in the greatest degree desirable that the deliberation upon such a question should be conducted in a manner best calculated.—Here the right hon. secretary was interrupted by a general cry of order! chair!

The *Speaker* rose and said, that he felt it to be his duty to answer the appeal that had been made to the chair. He did think, that until the numbers which were the result of any division had been announced from the chair, the question was open to debate.

Mr. Secretary *Canning* then proceeded to enforce the necessity of moderation and good temper in the discussion of a question like the present. The right hon. mover was himself an example of the moderation he so much recommended; and he trusted that the same temperate manner which had marked the right hon. gent.'s conduct that night, would, for the remainder of it, influence all that might be said on either side of the house, during the remainder of the debate.—Here the cry of chair! order! was renewed; when

The *Speaker* again rose, and said, that he had to the best of his judgment given his opinion, and that he was willing to appeal to the house; or, if he was in error, to request their instructions.

Mr. Secretary *Canning* then continued, and observed, that if he and his colleagues wished to go to a silent vote on this question, it was certainly not from any want of disposition to shew respect to the right hon. gent. who had brought forward the business in so able, eloquent, and candid a manner, but rather from a perfect coincidence in some of the sentiments most particularly impressed by the right hon. gent. and a desire to give the vote he should feel it his duty to give, in the manner most consistent with the right hon. gent.'s recommendation. Whoever should come in aid of the right hon. gent. could certainly not be looked forward to as a more powerful antagonist. There were many strong reasons why the extension of this discussion should not be wished for. He did not know what sensation of triumph was felt by the noble lord opposite (earl Temple.) If the noble lord had any more eloquent speech to bring forward, he left him to enjoy the anticipation of it. Of the solidity of the triumph the house would soon have an opportunity of judging. If his majesty's ministers saw no prospect of a successful issue to the question before the house, and but mischief in the discussion, was it unreasonable that they should be willing to avoid the debate? Was that course of proceeding new to the hon. gentlemen opposite? Had they forgot, that when they themselves were in power and with the fair influence of government attempted to carry a measure somewhat connected with this subject, they did every thing in their power to prevent the agitation of this general question which they now thought it impossible to defer a year, or a month, without infinite danger to the country? If it was not the mischief of an unsuccessful agitation of the question that they deprecated, what other motive could they have except that of the meanest temporary and personal interest? If they would say that by considerations of fair and statesmanlike prudence they were induced to put off the discussion, then he should be glad to know what there was now in the state of Europe to render it a more proper period for agitating the question? Though he sought with the same anxiety as the hon. gentlemen opposite, no such favourable circumstances occurred to him.—He would now state why it was desirable to bring this question to as speedy a decision as possible. It was impossible not to agree with the right hon. mover, when he represented how desirable it would be in the present state of the world to put an end to civil dissension, and to establish perfect harmony and concord between all parties. But it was fair, at the same time, to consider the practicability of the good that was proposed; and admitting the advantages that would flow from the establishment of unanimity at all times, to question whether that unanimity could in fact be attained. However desirable it was, that persons professing christianity should be all unanimous, it was a melancholy truth to which the history of all times bore testimony, that dissensions always existed, and that the greater pains were taken to reconcile them, the wider the breach became. He concurred in the wish to extinguish religious animosities, he wished they had never existed, but he could not shut his eyes to the evidence of facts, so as to indulge in the hope of a consummation so devoutly to be wished. It was not in the power even of speeches so wise, so eloquent, and so good, as that of the right hon. gent. to obtain this victory over the passions and prejudices of men. The attempt must be abortive. Thus, what in reflection was matter of justice, was to be deprecated in discussion, as likely to afford no good practical result. He wished the right hon. gent. had confined what he had to say to the last branch of his speech. If the result of the debate should not be favourable to the proposition of referring the petition to the committee, it was at least desirable that nothing should pass in the debate that could tend to inflame those animosities which every one must be anxious to see extinguished. The right hon. gent. must concur with him in thinking, that the line of conduct he pointed out, viz. an interchange of good offices, and the practice of mutual conciliation, would do more, in the first instance, to remove animosities, than any motion that could be brought forward in this house. Such instruction, enforced by the weight of the right hon. gent.'s example, must be productive of the greatest practical good. The grounds on which the right hon. gent. called for a committee were precisely the same that were urged without success on a former occasion, and they had received no addition of strength since. He could not look back to the recent decision on this point, the right hon. gent. himself could not look back to it, without being convinced that an inoffensive refusal would produce less mischief than a reluctant and forced assent. Let any body who knew the state of the public mind in this country, say, whether there was not a strong prevailing sentiment against further concessions to the catholics? If this was founded in reason, it was not easily to be overcome; but if it was even founded only on prejudice, the right hon. gent. was well aware that such prejudices did not yield to repeated attacks of reason, any more than the prejudices on the other side to penal laws. It would be of little value to have a majority for the measure in the house, if there was an inflamed majority against it out of the house. If there should be a disappointment in the present instance, there would be a consolation in reflecting, that the object of the motion must ultimately, though gradually, prevail. He was unwilling to mix personal topics in this debate. The right hon. gent. had very scrupulously abstained from such topics; and with him at least, the catholic question would never be a party question. But he feared some of those who would follow the right hon. gent. would take another course; and if there was any thing that made him regret having risen so early in the debate, it was the depriving himself thereby of the opportunity of meeting those personal charges which he certainly had no dread of encountering. The right hon. gent.'s speech was so happily constructed and directed, that whether his motion succeeded or failed, it must do eminent service. There was one principle of the right hon. gent. however, which must be received with some reserve. When the legislature limited by law the share of political power to be held by any class of men, and it was proposed to repeal that limitation, the legislature was to judge of the propriety of complying with the proposition; and if more disorder would arise from the repeal than from the continuance of the limitation, it was right to continue it. He again recommended the soothing and conciliating system proposed by the right hon. gent. and trusted that more benefit would be obtained by sending back the petition without any irritating language, than even by referring it to the committee, by means of a violent and contentious majority. On these grounds, he should give his vote conscientiously against the motion,—with this satisfaction, that nothing that had been hitherto said could be a bar to the claims of the petitioners in future.

Mr. *Windham.*—Sir; the speech of the right hon. gent. who has just sat down, strongly reminds me of what lord Chesterfield says in one of his letters, when speaking of the tragedy of Cato. That accomplished nobleman, when criticising the tragedy of Cato, remarks that there is nothing in the two beautiful lines with which the poem opens:—

"The dawn is overcast, the morning lowers,
"And heavily in clouds brings on the day—."

that there is nothing in all this but what a watchman tells us when he calls out "past four o'clock, and a cloudy morning!" Just so with the right hon. gent.'s speech—with all its exuberant eloquence, we find nothing but an assurance, that the discussion will be extremely inconvenient to himself and his friends, and that therefore it ought to be deprecated. The right hon. gent. laments the existence of religious dissensions—so do we, and so does every one. But since it is admitted, on all hands, that they do exist, the question is, what is best to be done with them?—and, while on this subject, it appears to me a singular mode of proceding, by way of allaying those dissensions, and satisfying the large body of the people among whom they exist, to refuse what they ask, and not even to discuss their claims! This, I suppose, is one of the practical expedients of which the right hon. gent. has spoken: as that right hon. gent.'s former political opinions and conduct have always leaned to the side of the Catholics, so far as regards himself personally, this is truly an expedient that may have its practical use towards himself on the present occasion. 'The less that is said the better,' cries the right hon. gent. and I so far agree with him, that I cannot help thinking, if he had followed his first impulse, and remained entirely silent, he would have better consulted his own character and reputation. The right hon. gent. in commending the temper and moderation evinced by my right hon. friend, has taken the opportunity of recommending a similar tone to those who succeed him in this debate. Now, it is very possible, that although the original mover of a proposition may laudably enough be moderate in his language and manner, those of his opinion, by whom he is followed, finding that moderation produced no effect, may justifiably try whether shame or reproach will be more successful. The right hon. gent. has expressed his conviction, that my right hon. friend does not wish that this boon should be wrung from an unwilling people, and a reluctant parliament. True; but who made the people unwilling, and the parliament reluctant? In reply to the right hon. gent.'s statement, that the question has been already discussed and settled, and that nothing has since happened that could change the opinion of the house on the subject, I have simply to observe, that this statement is unfounded. Changes in opinion take place daily, in proportion as truth and reason become more manifest; and I hope, that, at no distant period, these changes will produce the effect so desirable. The four millions of Catholics at present in Ireland, are as a dead weight, or an indigestible mass in the stomach of the country, poisoning and palsying all its efforts. Is it intended to pursue towards the Catholics the old system of policy, by which attempts have been made to wear them down into insignificancy? Let the truth or fallacy of this system be tried by the rule of three. If in two centuries the Irish Catholics are brought to four millions, how many centuries will it take to extirpate them entirely? I have heard of philosophers and naturalists, who pretend to ascertain the age of the world by the different decompositions of granite; but this, with respect to the Catholics, will be a much more tedious calculation. With respect to the comparison so well made by my right hon. friend, between the two kinds of danger, of which it is necessary to choose one, I should most unquestionably prefer the danger uncertain, if not chimerical, of giving to the Catholics a power, which might ultimately invest them with a considerable influence in the state, to the terrible danger which the refusal of their just claims must, in my apprehension, inevitably occasion. No man can be more willing than myself to allow the propriety of an alliance, properly understood, between Church and State; but, I wish the house to consider, that if the State cannot exist without a Church, how much less can the Church exist without a state. I repeat, sir, that I am anxious the subject should be fully discussed; convinced as I am, that the friends of Catholic emancipation will ultimately triumph over every obstacle that can be thrown in their way.

Lord *Pollington* declared, that he never would give his concurrence to a measure, which, sooner or later, would endanger the Protestant establishment, by placing power in the hands of those, whose principal object it was to make converts to their own erroneous persuasion. He thought it most impolitic to bring forward, at such a crisis as the present, a measure which he knew to be generally obnoxious throughout the country, and should therefore vote against the motion.

Lord *Milton.*—Sir, I am convinced, that the more this subject is discussed, the sooner will the people of England be disposed to accede to the claims of their Irish brethren. God forbid, sir, that the glorious revolution in 1688 should be identified with the proscription of the Catholics! If it were so, the admiration with which I have always regarded that transaction, has been a most mistaken admiration. If we look to the history of those times, we shall find that the laws against the Catholics, as well as against the Protestant dissenters, originated, not in religious, but in political motives. Previous to the Revolution, the laws passed against the Catholics were evidently intended, not so much to prevent the introduction of the Catholic religion, as to prevent the accession of James 2. This was the real cause of the Test Act—If this cause no longer exists; if by the nature of things it has passed away, then ought we to allow these restrictive regulations to pass away also. No one body of men has a right to exclude another from a fair participation in rights and privileges, unless from the apprehension of some immediate and imminent danger. To grant the Catholics their claims, will be to remove the danger by which the empire is at present threatened. It will make them contented; and, truly, it does seem to me to be a most extraordinary state of the world, to leave them in a state of discontent, if not of open rebellion.

Mr. *Fitzgerald,* (knight of Kerry) said: Sir, I must acknowledge that, after the manner in which this question has been opened and supported, when no argument has been used against the motion, to offer any further observations in its favour, may appear a wanton intrusion on your time. However, as an unfavourable decision is foreseen, I should consider myself insensible to the duty I owe to my own country, and to the empire, if I did not express, in the strongest manner I can command, my conviction of the necessity, not merely of discussion, but of concession, on this most important subject. The right hon. gent. compelled to acknowledge the talents, the eloquence, and the moderation of my right hon. friend, has prudently abstained from answering him, and has preferred to reply, by anticipation, to the speeches of others, in which he prophesies, that there will not appear the same moderation. Sir, if I abstain from that warmth, which this subject naturally excites, it is, because founded in justice, reason and truth, as I conceive the cause of the petitioners to be, I think it can be injured only by intemperance. Differing from the right hon. gent., I am anxious to promote discussion. Truth is promoted by discussion. The former discussion was beneficial. The intermediate discussion has been most useful; and by discussion the petitioners must prevail. To those, who desire to produce that discussion, the right hon. gent. ascribes party motives. Sir, were I desirous to make the decision of this right subservient to a party purpose, or most effectually to injure the character of his majesty's ministers, I should have acquiesced in the course they proposed, of suffering the question to have gone to a vote, without a word being offered in resistance to the prayer of the petition. I should have suffered them to send back the petition, loaded with the contumely of being considered unworthy of discussion; thus adding insult to injury. But, sir, if respect towards the petitioners, or the house, cannot extort an argument, at least decency towards those, on whose implicit support they reckon for resistance to this petition, should induce some attempt at justification for the vote they require.—By the principles of a period, to which they are fond of referring, (that of the settlement of the crown) those, who hold offices or emoluments under the crown, are excluded from sitting in the commons; and if, by a species of collusion, they are now allowed to do so, the constitution supposes it to be, for the purpose of explaining and justifying their acts as ministers, and the advice they shall give their sovereign. If, upon important occasions, they shall refuse to do so, and than the present there cannot be one more important; if, on a wanton reduction by them of the means of religious instruction to the people, as in the Maynooth grant; if, on a petition stating the just claims of four millions of our fellow subjects, they are safe in treating such subjects, and the representations of the people, with contemptuous silence; what is the inevitable inference, which the advocates of parliamentary reform will draw; "To such a state is the house of commons reduced, that, even when the interests of millions, and perhaps the security of the country, are concerned, ministers can command a majority, without condescending to offer a word of argument or explanation." But, though ministers will not speak, I suppose it is intended to imply much from their mysterious silence. We must resort to other means to discover what they think. It is supposed that certain insurmountable obstacles stand in the way of this petition. As a member of parliament, I can acknowledge no such obstacles, certainly now, for which ministers are not accountable. We have also heard, at other times, a sort of general statement, that some principles of the constitution, as established at various periods, necessarily exclude the petitioners from what they ask. These eras are the Reformation, the Revolution, and the Union. With respect to the latter, we can resort to no authority so conclusive, as to the author of that measure: and on this point I am most anxious, and, in a great degree, from motives of a personal nature, that the clearest explanation should take place. Having been one of those who zealously supported the union, as a refuge from the calamities under which Ireland so long suffered from religious differences, I may be allowed to feel peculiar interest on those points, to which I looked, not only as the desirable, but as the necessary results of that compact; without which it cannot be effectual; and on the ultimate attainment of which it must depend, whether I can justify, or must curse the day, on which I voted for that union. In appealing to this house, I felt that we referred the Catholic, not only to an enlightened and more impartial and authoritative assembly, but to one, in which the uncontradicted sentiments of all parties were amicable to their claims. Certainly it was not to the extension of commerce, to improvement of manners, or any other of the speculative hopes held out to the Irish, that I looked in the union. It was to the blessing of internal harmony and peace, without which no nation can flourish. What, accordingly, were the expectations necessarily excited in the people of Ireland by the language of the late Mr. Pitt? That measures necessary to the tranquillity of Ireland, which could not, with safety, be conceded by a distinct legislature, could be conceded with safety after an union. That was not only an acknowledgment, that there was nothing in the claims of the Catholics inconsistent with the constitution; but that it was intended to look to their accomplishment. Mr. Pitt could never have intended to cajole the Catholics. Do ministers suppose he did? Yet what would it have been to tell them, your objects are attainable after the union; and when, by their concurrence, that measure is effected, which without it never could, to say, 'There 'exist in the constitution, which that 'union has perfected, certain principles, 'which eternally exclude you.' It was impossible his great mind could descend to such baseness; and I am therefore desirous to extort from his majesty's ministers a distinct avowal of their opinions, to know which of them accord with the doctrine of Mr. Pitt, as laid down on the union, and repeated in the former debate on this question, that there is nothing in the claim of the petitioners essentially inadmissible; but that concession is a mere matter of time and expediency; or, in plain English, to be regulated by the convenience of ministers. It is material to know, how many there are remaining in the ministry, or in this house, who hold eternal objections to the claims of the Catholics of Ireland. The lamentable distractions and animosities of that country forced forward that union; and the practical advantages expected from it by every man, who, from any honest motive, supported it, was to attach to the government the affections of the Irish people, by extending to them the full benefits of a free constitution. The union grew out of the discontents and dangers of Ireland; and without substituting measures of redress and conciliation, was calculated rather to encrease, than diminish, those discontents and dangers. Notwithstanding the policy of every one deserving the name of a statesman in this country, nothing has hitherto been done to realize the union, or to afford any correction to the divisions and distractions of Ireland. I hold, therefore, that it follows from the entire principle and purpose of the union, that you should grant the claim of your petitioners.—With respect to another great era, the revolution of 1688, on the principles of which it is sought to perpetuate the exclusion of the Catholics, I am happy that, in my construction of that measure, I am countenanced by the authority of a noble lord, (Milton) whose hereditary attachment to the genuine principles of that great event, render his opinion upon it important. That measure was intended to improve your constitution on the principles of civil and religious liberty. Whatever incidental laws of restraint, or disqualification, were then enacted, arose only from the pressure of peculiar political causes; but formed no part of the essence, or principle of that glorious effort: they were exceptions to it. There could not be a more monstrous perversion of the character of the revolution, than to associate with it, the perpetuation of laws, restrictive of conscience and liberty. To this country it brought signal benefits. It is therefore natural that Englishmen should look to its era with reverence, and enthusiastically admire the persons, by whom it was wrought. As an Irishman, I must view it with very opposite sentiments. To Ireland it operated as an infliction from Providence. Havock and proscription came in its train; and its history is written in blood. It is to justify the revolution to the Irish people, to make it a source of liberty and happiness. In tardy retribution for the oppression of former times, I wish you to commence by granting the prayer of the petition. If you wish us, as Irishmen, to respect the institutions, with which you connect the idea of liberty, you must give us a practical interest in their preservation. But nothing can be so false, as that the religion of this country was established by the aid of penal laws, or derives its security from them. The reformation, on the contrary, succeeded in defiance of the most sanguinary laws, and the most tyrannical execution of them. It sprang from the free exercise of reason; made its progress through the minds of men: and Henry the 8th, whose conversion suited his own profligate views, had only to acquiesce in the general opinion of the people. If Elizabeth exercised severity on the score of religion, it was, because religion connected itself with the political dangers which threatened her. With a rival to her throne in this very island: that rival connected by marriage with France; supported by all the zeal and the formidable power of Spain; her claims acknowledged by all the Catholics of England; with Ireland in constant rebellion. These are circumstances which would account for jealous and severe exertions of power. Yet could that wise princess, even under such provocations, distinguish, as she says in her speech to the parliament, 'the papists in conscience from 'the papists in faction.' But the laws, of which the petitioners complain, did not then exist, and cannot be justified by precedent from the success of Elizabeth. Neither can analogy exist between the present, and the time of her reign; when the power of Rome was in its plenitude, and all its force directed against England. —The reign of Charles the 2d, to which we owe the corporation and test acts, however it may boast the enactment of some laws favourable to civil liberty, is a period to which those, best acquainted with its real history, will look with extreme distrust and jealousy for an example; particularly in matters connected with religion. Certainly there are no circumstances more disgraceful to the character of parliament, than those which marked the proceedings of that period. We shall pause, before we determine that the temper, the impartiality, or the wisdom of those, who declared and sanctioned the belief of that infamous imposture, "the Popish Plot," are deserving of imitation; when this house was converted into a court of injustice, to criminate, without proof, the most innocent men, or the flagrant perjuries of the most infamous; when your journals were prostituted into inflammatory pamphlets, and circulated to excite the worst passions amongst an ignorant people; when the courts of law were made the mere engines of fanaticism and the most remorseless tyranny. Such is not exactly the period to which, from an enlightened age, we should refer for lessons in legislation, or the doctrines which we should deem sacred and immutable. It may not be unprofitable to observe, that, during the religious delusion then raised, the most dangerous encroachments on liberty and the constitution were made by that worthless monarch; who, destitute himself of religion, was ready to make it, to one part of his people, an instrument of imposition, and of oppression to the other. I am ready to admit, that there did, however, exist, at that moment, circumstances of danger to the reformed religion which certainly have not at any subsequent time: I mean in the bigotted zeal of the duke of York, aided, as he was, by persons of the highest rank and power in the country. But, with the exclusion of that infatuated monarch, that danger ceased; and the restraints on liberty of conscience, since continued, have been wanton and unnecessary.—With respect to the revolution, much misrepresentation has taken place; and, enquiring into its real principle and justification, it is better to refer to those documents furnished by the great authors of it, than to trust the partial comments of modern historians.—The too great documents, in this point, are the resolutions of both houses of parliament, declaring the throne vacant, and the subsequent address to the prince and princess of Orange, embodied in the Bill of Rights. What says the first? "Whereas k. James 2, having endeavoured to subvert the constitution of the kingdom, had abdicated the government; and the throne is thereby vacant." Not a word of religion. And it is extraordinary, considering that almost all his cabinet were either avowed, or concealed, Catholics, and that his measures against the church had been outrageous and violent, that religion should have been so much kept out of sight. The Bill of Rights likewise enumerates political grievances: 'the dispensing powers: 'the high commission: levying money; 'and raising and keeping armies in peace 'without consent of parliament: and de'mands freedom of debate, and frequency 'of parliaments.' These were the Rights violated; to guard which the hereditary succession of the crown was changed.—But the great leaders in the revolution saw, that the danger of the country was absolute power; and however strongly the mind of James may have been influenced by bigotry, so far from serving, it counteracted his efforts to establish a despotism; and afforded his enemies a favourable means of rendering him and his cause odious to this country.—So in the resolution for a new settlement of the crown, from whence the present royal family derive their title, what are the stipulations made? Nothing, with respect to religion, but the communion of the sovereign. They are all political, and of high importance. 'That privy counsellors 'shall sign acts of council. That foreign'ers shall be incapable of holding offices. 'That England shall not be involved in 'foreign wars. That no pardon shall be 'pleadable to an impeachment. That no 'person, holding an office or pension un'der the king, shall be capable of sitting 'in the house of commons. That the 'commissions of the judges shall be perma'nent, and their salaries fixed.' Such is the matter of these great state transactions; and from them we can derive no sanction for laws, which were unnecessarily passed, under the influence of casual factious motives; and which deprive the state of the zeal and services of large portions of its subjects. The real security of the reformed religion was in its adoption by the majority of the state. The Catholic religion, allying itself with the exiled family, became suspected of favouring arbitrary power, and therefore an object of jealousy and precaution. But the great end and purpose of the double violation of the hereditary title to the throne, in 1688, and 1701, was the accomplishment and security of civil and political liberty. And certainly no man, who values freedom, can doubt, that the violations of liberty, committed by James, and his atrocious attacks on the independence of parliament, were fully sufficient to account for, and to justify the revolution. Whatever just ground there may have been in the reign of Charles 2, as to the security of the reformed religion, there now exists no doubt, that for fourteen years, a party, in the interests of the prince of Orange, was engaged in exaggerating and inflaming the alarm. And still further, throughout the whole of the reign of Anne, there was likewise a party in parliament, in the pay of, and in correspondence with the elector of Hanover; who agitated that entire reign with false panics on account of religion; for the purpose of accrediting which, the penal laws were devised.—I have been induced to trespass on the time of the house with this historical detail; because much pains has been taken, throughout the discussion of the Catholic claims, to impress a notion, from a false and superficial view of history, that exclusive laws were sanctioned and enforced by important events, favourable to general liberty and the security of the establishments of this country. Besides, when the Catholics are traduced from history, it is necessary to resort to the same source for their justification, and to refute their calumniators; and it certainly would have had the most beneficial effects, if the right hon. gent. had exerted his influence to restrain that offensive and irritating language, which some of his friends, in this house, have been accustomed to hold towards the Catholics of Ireland.—For the construction I have put on these laws, I can confidently appeal to the highest legal authority. What does judge Blackstone say, in reply to Montesquieu's censure of those laws, as inconsistent with the boasted freedom of England? 'That they are 'seldom executed to the utmost rigour; 'and, indeed if they were, it would be 'very difficult to excuse them: for they 'are rather to be accounted for from their 'history, and the urgency of the times 'which produced them, than to be approv'ed, upon a cool review, as a standing sys'tem of law.' And again: 'If ever a time 'should arrive, and perhaps it is not very 'distant, when all fears of a pretender 'shall have vanished: and the power and 'influence of the pope become feeble, 'ridiculous and despicable, not only in 'England, but in every kingdom in Eu'rope; it probably would not be then 'amiss to review and soften these rigorous 'edicts; at least till the civil principles 'of the Roman Catholics called again upon 'the legislature to renew them: For it ought 'not to be left in the breast of any merciless 'bigot, to drag down the vengeance of 'these occasional laws upon inoffensive, 'though mistaken, subjects, to the destruc'tion of every principle of toleration and 'civil liberty.' Can any man state that such time has not now arrived? Can the power of the Pope be more feeble, or less dangerous? Can any man state that the civil conduct of the Catholics does not now entitle them to that relief, which the learned judge considers, under such circumstances, to be safe and wise?—But the code of laws devised for Ireland, in the reigns of Anne and her successor, without the slightest pretext or justification, whilst Ireland was in profound tranquillity, and the Catholics had given unquestionable proofs of their loyalty, were a direct violation of the Articles of Limerick; which compact was guaranteed by king William the 3d; and in violation of all good faith, as well as sound policy and humanity. And under that unparalleled code of oppression did Ireland suffer for near a century. But not only were those laws devised in the worst spirit of persecution and tyranny; but it is notorious that, whether they were, or were not, intended to exterminate, they certainly were not intended to convert the people of Ireland, and this we have from the highest authority. Archbishop King, writing confidentially to a friend, says, that the taking any effectual measures to convert the natives, was discouraged by the principal persons in authority, and violently resisted in council. Such was the system of those, who sought to profit from the calamities of that unfortunate country.—Upon the doctrinal points of this question, having already troubled the house at such length, I shall forbear to enter. Besides, to that branch of the subject, I consider that the calmer discussion of the press is more suitable. It has moreover been, since the last debate on the subject, most satisfactorily and successfully treated in various able publications. I could particularly refer to one by an hon. baronet, a member of this house, (sir J. C. Hippesley) who, in addition to his own valuable, enlightened and judicious arguments on the subject, has furnished authorities most important and conclusive; (which any man, who means to vote on this question, ought to be ashamed to have left unread) and which cannot leave a doubt remaining as to the perfect safety of admitting the Catholics to full civil privileges. Nor can I believe that any man now supposes, that the acknowledgment of the spiritual supremacy of the Pope can at all disqualify a Catholic from being a perfectly loyal and faithful subject in this state.—If, however, no sense of sound policy or justice can enforce relief to the Catholics; at least the pressing danger of the state should support the consideration, whether the physical force of Ireland is in a state to authorize us to confide in its aid. Our formidable enemy will have combined against us almost the whole strength of the continent. Our insular situation precludes our augmenting our force by an extension of territory; and we can look for it alone in bettering the condition of our people, and increasing their attachment to the state. A late measure, putting in requisition the whole active population of this country, bespeaks the sense ministers entertain of the danger. The population of this country is not adequate to the demands of industry; but in Ireland there is an immense surplus population, the most prone to war, and the most eminently qualified for it, of any in the world. To attach such a population to the state, is of incalculable importance. Procure the affections of that people; and the emperor of the French, who understands war and national character, will never invade you. With that people united and zealous, and with such a country, a descent upon Ireland would be the most desperate of all enterprizes. Secure their fidelity; and that portion of your empire would not only be impregnable, but unassailable.—But, if the danger of the country, or the importance of Ireland, cannot make a due impression, I would still appeal to the feelings of this house, and say: what right have you to leave the Protestants of Ireland on that invidious and dangerous eminence, on which the penal laws place them? I call upon you to relieve them from the pitiful and pernicious superiority, derived from worshipping God in one place, instead of another. If the Catholics are dangerous subjects, in what predicament do we stand, who inhabit the more Catholic parts of Ireland; where none of the ordinary operations of the law can take effect, but by their aid and co-operation? If the Catholic mind be hostile, as their enemies would represent, to what are we to look for protection in the hour of danger? when numbers are as one to an hundred, are we to arm ourselves with the penal laws? But these very penal laws are the danger. The county which I inhabit gives a practical contradiction of their utility. There, where the Catholic population so much predominates, that as an enemy, resistance to it would be vain, mutual good will and confidence, between Protestants and Catholics, have suspended the operation of the penal laws. And what was the consequence? That, during the rebellion and invasion, that county remained tranquil and loyal, and the army was withdrawn from it. But in other parts the spirit of those laws is in full operation. Perpetual jealousy and broils are the consequence, and an iniquitous proscription is exercised. These laws, whilst they exist and take effect, will extinguish toleration in private life, which that illustrious man, Mr. Burke, in his view of this question, considered one of the worst of their consequences. His great friend, Dr. Johnson, also some where distinguishes political from social toleration, and considers the latter as more important: and certainly with justice; because it mixes more with the transactions of life, and thereby has greater influence on human happiness. But history and experience tell us, that they cannot exist separately; and that, without political, we cannot have any security for social toleration. I would therefore implore you to release the Protestant from the deplorable power of tyrannising over his Catholic fellow subject. But above all, let us avoid to impeach our religion, by attributing to its spirit the continuance of these laws. Whilst we are ransacking history, to condemn an intolerant spirit in the church of Rome, let us not, at this enlightened period, justify such a reproach on that church, which sprung from resistance to intolerance. What was the language of a protestant bishop, above a hundred years ago, when Rome was powerful? Speaking on the toleration act, Burnet says: 'It 'was thought very unreasonable, whilst 'we were complaining of the cruelty of 'the church of Rome, we should fall into 'such practices amongst ourselves; chiefly 'while we were engaging in a war, in 'which we should need the united strength 'of the whole nation." I shall leave the application to the gentlemen opposite; and only call on the house, now that no danger from the power of the Pope can be imagined, not to suffer the remnant of those pernicious laws, any longer to disgrace your statute book.

Lord *Castlereagh*.—Sir; I will endeavour to detain the house as short a time as possible. But I feel that I should deserve reproach, were I to give a silent vote upon the present occasion. I deprecate and dread the effect on the public mind, of discussing a question of so delicate and important a nature. The question is no other than this: are the catholics of Ireland—four millions of his majesty's subjects—in a state of freedom or of slavery? Are they to be considered in a state of proscription? I cannot conceive a question of which the agitation is better calculated to shake our efforts in the common cause. I must, however, do justice to the candour, manliness, and moderation of the right hon. gent. who brought forward the motion; for certainly the mode in which he delivered his opinions was well calculated to produce a spirit of conciliation. But, however much I deprecate the present discussion, so far from wishing to keep this question out of my view, I shall always adhere to the principles maintained by my late right honourable friend (Mr. Pitt) on the subject, and be ready to deliver my opinion whenever it is agitated. The conduct of that great man and his colleagues was very different from that of the gentlemen opposite. He went out of place, because he found he could not procure for the Catholics what he thought they were well entitled to; but, when out of office, he never embarrassed the government by agitating the question. The principles of the gentlemen opposite, on the other hand, led them to agitate and support the question to the extreme, when out of power; and to compromise and abandon it when in power, not with any view to the safety of the country, but for the safety of their own offices. If those gentlemen wish to shew that they are desirous of defending the country against her enemies, let them not bring forward a question, the agitation of which can have only the effect of increasing the number of her enemies. In their former attempts to bring on this question, they had failed. And when they came into office, they chose to avoid the main question, and to resort to the contemptible subterfuge of satisfying the Catholics by making some small and unimportant concessions. So urgent did the gentlemen opposite think the measure at the time, that they said the delay even of a few days would be dangerous, and an insult to the Catholics. But it so happened that, in a few days, notwithstanding the danger of delay, they did not hesitate entirely to abandon it, and, for reasons well known to themselves, put the bantling in their pockets. During the administration of the duke of Bedford in Ireland, the constant cry to the Catholics was: 'This is not a fit time to forward your wishes; direct all your force against the enemy only; do not now press your claims; you are premature, and will only incense.' Yet after such language, and some hopes held out when the Catholic claims were pressed upon the late ministry, what was their conduct? Why, they deserted their opposition principles altogether, and even abandoned their own contemptible little bill, which they had patched up in their support! It was strange, too, that such disinterested patriots should have abandoned it for so insignificant an object as the retention of their places! Now, what was the course of my honourable friends, always acting upon steady and consistent principles. Our conduct, as I have said, was directly the reverse of this. We wished when in office to favour the claims of the Catholics; when out of office, we abstained from agitating a question, which could not be agitated without prejudice to the public interest. With respect to any promises that were said to have been made by Mr. Pitt or myself, I deny that, during the discussion of the question of union, there were any, which could fetter the judgment of government, or of the parliament. No promise whatever of the nature of a pledge had been given; and never was there a legislature less fettered, than the legislature of that day, respecting the Catholics. No idea was even held out that the Catholics could found a claim in any principle of right. It was stated to be a question of policy, but no question or claim of right. And the only consideration in discussing the subject, was, whether most danger would arise from granting, or from denying certain indulgences to the Catholics. We always deprecated the idea of pressing these claims on any ground of right; and gave notice that we should oppose any application of that kind. The discussions that this question has undergone have rendered its success more improbable. Government have regularly resisted it. There was not constitutional ground upon which these claims could stand. No new arguments could be urged in their favour. The Catholics had even promised not to bring forward their claims against the Protestant feelings. I will appeal even to the gentlemen on the other side, whether the public dangers are not now of greater magnitude than at any former period at which this question was agitated? They say that the policy of the question is varying every day, and that different measures ought to be adopted. Was not the same argument applicable when they abandoned their own bill? Thus they argue against their own conduct, and contend that other modes should be followed than those which they practised while in the ministry. A right hon. gent. (Mr. Windham,) has also loudly declaimed against recrimination, and yet his whole speech was a desperate attack upon my right hon. friend. The right hon. gent. however, ought to consider his own case before he attacked others: he ought to look at home before he threw stones. It is hard, that steady men, such as myself and my hon. friends, should be so treated by those who are themselves so inconsistent. I cannot now, more than formerly, reconcile it to any principle of duty or consistency, to lend my support to this measure. On the contrary, I think it my duty to discourage the entertaining this question, which can be productive of no one good object, but may occasion much mischief to the country.

Mr. *Windham,* in explanation, said, that the change which he referred to was, in the feelings of many of the Irish Protestants on this subject. He had not used any argument to reconcile his own conduct with respect to the question, nor had he thought any was wanted. When he and his friends attempted to keep back the subject, they had done it in a way the most conciliating to the Irish Catholics; and if the question should be pressed, they had reserved to themselves a right to speak and vote upon it, as they had ever done.

Lord *Henry Petty.*—Sir, I entirely concur with the right hon. gent. on the opposite side, who has recommended us to follow the temperate example of the eloquent mover of the question; but I am sorry to say, I do not think his friends seem to have profited by his admonition. If he meant by 'temperate' that we should allow much to the feelings of the parties now before us, that we should use towards Ireland a conciliatory tone, if we did not give her satisfactory redress, it was somewhat strange to receive her complaints not with arguments, not with reason, but by contemptuous silence. Whatever may be my opinion respecting that country, I cannot bring myself to adopt that system, actuated as I am by a feeling of public duty and of public exigency; but if I had not such powerful reasons to stimulate me, yet there is one observation, which I have heard in the course of this debate, which imperiously calls for an early refutation. The observation was directed to the supposed inconsistency of the late administration. It was asked, why they now brought forward a question which they had abandoned when in power? Why, sir, they did not bring it forward then, nor do they bring it forward now—no party or individual in this house has brought it forward—the petitions of a whole people, now upon your table, bring it forward; and if the noble lord would be particularly gratified by it, I would tell him they neither felt nor expressed a wish that it should be brought forward. But though, looking to the probability of its progress, they could not advise its being presented, they might still consider themselves, as honourable men, bound not to fly from a principle they had once professed. I might say now, as I should have said then, to the Catholics of Ireland: 'I do not recommend your urging your petition now; but since it has been urged, I will support it strenuously by my vote, my speech, and my interest. I have told you I thought your case just: I think so still; and whenever it is discussed I will assist it.' But the noble lord asked: 'Why did you not do so when in power?' And, sir, who shall tell me we did not do so? Who shall tell me we did not implicitly guard ourselves against deserting the Roman Catholics, if their petition should be presented? And while we told them we did not think it would be prudent to present it, we endeavoured to express towards them and towards Ireland, a conduct which might evince our sincerity, and deserve their confidence. But, you are the friends of the Catholics also, it seems; and how do you prove it? Why, by forgetting them *in toto*; by forgetting the existence of one fourth of the population of the united empire; by putting their claims into your pockets and your cabinets, and locking up your principles and opinions, as well as their claims and interests, until it suits your convenience to bring them once again to light! What! sir, was this treating a people with dignity, or decency, or likely to conciliate or convince them? But, the noble lord comes down again with his stale charge of inconsistency, which he is so well qualified to adduce! what was his course in similar cases? Why, at first, so strong were the scruples of his conscience, that, as a disappointed friend, and professed advocate and party to their unsuccessful claims, he quitted office at the union; he then had a taste of opposition, and shortly returned to power, without a single concession being made! Well, there he now sits, and here are the identical claimants, with the identical claims, to which he had before expressed himself so resolutely attached; and what does he say to them? 'Oh! thank you, my friends, I was dupe enough to leave office on your account once, but here I am once more, and never will I incur the same risk again, for I know by experience how mischievous it is to have an opinion about you; and never will I again express an opinion.' Such is the consistency of the noble lord! I wish, as much as any man, that the state of Ireland was such as to admit of such versatility in politics. I wish it was a picture over which a veil might be drawn at pleasure: but, alas! we have had sufficient and melancholy proofs that it is otherwise. The petition is supported on a principle of faith. At the union, a tacit promise had been given to the Catholics, that, on the completion of that event, their claims would find at least a favourable reception. The acts of the government, the language, the prospects held out to the people of Ireland, all confirmed them in this expectation. You will not deny to the Catholics of Ireland that they express the sentiments of four millions of people. You will not, you cannot deny, that, on every principle of reason, justice, and common sense, they are entitled to an equal participation of rights and privileges with their protestant fellow-subjects. If this your opinion be with them, why is the vote that declares that opinion to be against them? I will not characterize such a vote, but I will ask the right hon. gent. (Mr. Canning) Whether that vote may not be suspected to be the result of a mean, personal, time-serving policy? In the vote which I am about to give, I feel, at least, that I am not actuated by any base motive, and upon that score can I submit myself with pride to the judgment of the nation. Well and truly has it been said, that there was no time at which the question should be allowed to lie dormant. Yet we are told these claims have been finally rejected. Can the word 'final' be applied to a subject which must be necessarily viewed in a different light every day? Have there been no fluctuations in the public mind? Have no events connected with it disturbed the peace and impaired the resources of the country? Does nothing depend on the progressive conviction of those very Protestants who have the best means of observing, and the deepest interest in adopting, the course which true policy dictates; who now demand for their Catholic brethren a participation in the privileges of the constitution under which they live, and for which they fight? If they on the spot have seen reason to change their opinions, why may not those on this side of the water also change theirs? But, the noble lord has thought proper to descant on the deplorable state of Europe. I shall refer to it also. Look to the continent; to France, to Germany; to Spain. See there, ye friends of toleration! what the power of the Pope has done! See there the dynasties which the omnipotence of the Vatican has founded! It is doubtless under the bulls of Rome that the German empire has fallen prostrate, and mouldered in the dust of its foundation; it is by some strange caprice and ungrateful cruelty to her, that his most faithful majesty the king of Portugal is driven into exile, to make room for more pious and obedient votaries of the Papal See! Oh! introduce not this all-subduing despotism into Ireland. Alas, sir, is the humbled, sinewless, defenceless Pope, to be set up in these days as a bugbear, by which enlightened men are to be deterred from allowing to Catholics the privileges of freemen? But even that pretence is taken away. The Irish Catholics renounce the temporary supremacy of the Pope; they renounce, and that by your own admission, and in your own words, all that you state to be the subject of alarm. 'Ireland is prejudiced,' you say; and who are you to thank for it? Is it owing to the character of the people, or to your system that prejudices, relaxed in other countries, are there, and there alone, deeply and inveterately rooted? But when ministers hear that Ireland is not satisfied, and hear also that projects of relief and conciliation are in progress, is it wise, or just, or politic, to deny and to insult them? But I cannot separate the consideration of this proposition from the plans of those who oppose it. They propose to deny education and instruction to the Catholics while they remain such, and expose the mass of them to ignorance, to purchase the conversion of a few. This alone would be sufficient to determine my vote. But let them remember that a dreadful crisis is approaching. Every attempt at conversion by persecution has been made in vain. If Ireland has been in a state of progressive improvement and loyalty from a few conciliating acts; if her people have gradually become better subjects, why, do you imagine more indulgence will incline them to forget the oath you have always admitted them to take? or do you make the experiment at the very instant of danger?

> 'Secanda marmora
> Locas sub ipsum furens, et sepulchri
> Immemor, struis domos.'

In what I have said, I have not been so much actuated by the hope of producing a conviction, which, if any thing can, the speech of the right hon. member must have done; but from a desire to evince, at least the respect I feel for the wishes of a fourth part of our fellow-subjects who are still without the pale of the constitution, and the desire I have of leaving no distinction in the state, but between the friends and enemies of the country.

Sir *John Cox Hippisley* observed, that as a noble viscount near him (lord Pollington) had been the only speaker who had, as yet, in the course of the debate, expressed any apprehension of the danger of the proposed concessions, he trusted his lordship's mind would be greatly relieved by adverting to the numerous authorities which had been cited in favour of the principles of Roman Catholics; and, on a question of this nature, he trusted that the house would be of opinion that those authorities had a claim to particular attention, which were derived from distinguished prelates of the established church. Sir J. H. then quoted a passage from the bishop of Landaff's preface to his Theological Collections: 'The ruling powers, in 'Protestant and Catholic states,' says his lordship, 'begin, at length, every where 'to perceive, that an uniformity of sentiments in matters of religion, is a circumstance impossible to be obtained. They 'perceive too, that a diversity of religious 'opinions may subsist among the subjects 'of the same state, without endangering 'the commonwealth; and they begin to 'think it reasonable, that no man should 'be abridged in the exercise of natural 'rights, on the score of religion.' Again, the same venerable prelate has said, in his publication intitled, 'A Speech intended to have been spoken in the House of Lords, on the 28th of November, 1803.' 'If any 'one should contend, that this is not the 'time for government to make concessions 'to Ireland, I wish him to consider whether there is any time in which it is improper for either individuals or nations to 'do justice;—any season improper for extinguishing animosity; any occasion 'more suitable than the present, for putting an end to heart-burnings and internal discontent?'—The late Dr. Horsley, bishop of St. Asaph, in the debate on the Catholic Petition, in 1805, observed,* 'I do not hold that there is any thing in 'the Roman Catholic religion at variance 'with the principles of loyalty. I do not 'believe that any Roman Catholic of the 'present day thinks himself at liberty not 'to keep faith with heretics, not bound by 'his oath to a Protestant government, or 'that the Pope can release him from the 'obligation of his oath of allegiance to his 'sovereign. I had' said his lordship, 'a 'perfect knowledge of the questions proposed, and the answers returned by the 'foreign universities, in which those abominable principles' [the deposing and dispensing power] 'were most completely and unanimously reprobated by 'those learned bodies to which the questions were propounded, and I am persuaded the Roman Catholics are sincere 'in their disavowal and abjuration of those 'pernicious maxims. I hold that the 'Roman Catholics of this country are 'dutiful and loyal subjects of his majesty.' —Sir J. H. then adverted to a Charge delivered to the clergy of his diocese by the bishop of Norwich, in 1806, in which that learned prelate most justly and liberally observed, speaking of the Catholics, 'That 'their conduct, and the unequivocal declarations made by them, in a variety of 'publications, are strongly expressive of 'their total disapprobation of compulsion 'in religion. And that it would be very 'unfair to involve in the guilt of the mis-

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* See vol. iv. p. 795.

'guided zealots of former days, a body of 'men of a far different description, to whom 'it is our duty, and should be our inclination, to shew every mark of benevolence, both as brethren, and as deserving 'fellow-subjects.'—Sir J. H. regretted that the impatience of the house seemed to check his proceeding to give other more enlarged quotations from that inestimable record of Christian charity and moderation, so admirably suited to inculcate the most wholesome truths at the present crisis. Sir J. H. then proceeded to state, that he had received, by that day's post, as he found many other members also had received, an anonymous circular paper reflecting on the character and conduct of Dr. Milner, who, in a former debate, had also been, and with as little foundation, attacked by a learned member of that house, on account of a work intitled, 'The Case of Conscience.'—Dr. Milner had been fully vindicated on that occasion by his hon. and learned friend below him (Dr. Laurence); and on the present occasion, sir J. H. contended, it was not less a debt of justice due to the Roman Catholic titular metropolitans of Ireland, than to Dr. Milner himself, to examine how far the facts alledged against him were intitled to credit, and, consequently, objects of censure. Dr. Milner was himself a prelate of the Roman communion, and was formally accredited to this country by those prelates, as the organ of their sentiments, to treat in their behalf, if any such treaty became necessary, and to propose or assent to such measures as might eventually be connected with the objects of the present important discussion. A proposition stated by his right hon. friend who moved the question, and certainly of the greatest importance, had been introduced to the house, on the authority of Dr. Milner,—in proportion, therefore, as censure attached to the conduct of Dr. Milner, it might be reflected on his constituents. Whatever might be the merit or demerit of Dr. Milner's recent publication, from which the passage in the circulated paper had been garbled, as on a former occasion, without any regard to the context, a reference to it, in the book itself, would afford the best defence that could be made for this respectable ecclesiastic, whose reputation was thus anonymously attacked on the subject of his representation of the mode of administering an oath in Ireland; and with respect to the 2nd charge, of his being accessary to the reprinting, by subscription, the 'Errata of the Protestant Bible;' Dr. Milner was in no way privy to that publication, which had been undertaken before his arrival in Ireland, although he is charged with taking over the old edition, expressly for the purpose of publishing it. Nor was it by the authority of any of the Roman Catholic prelates that the republication had taken place, notwithstanding many of the clergy had subscribed, on the application of the bookseller who published it. At the same time, it was fair to observe, that an exposition of Catholic principles was subjoined to that publication, which might justly challenge the approbation of the warmest friends of the Establishment, as containing the most pointed abjuration of every dangerous or obnoxious tenet which had ever been ascribed to Catholics, and which no Catholic will conscientiously refuse to make. This supplementary exposition had been drawn up by Gother, an ecclesiastic of the Roman communion, and of whose writings sir J. H. related this anecdote: that the present bishop of Elphin, (the brother of a noble and learned lord) had, in one of his publications, observed, 'By far the greatest part of the popula'tion of my diocese are Roman Catholics. 'I know, says his lordship,' 'I cannot 'make them good Protestants; I therefore 'wish to make good Catholics of them; and 'with this intention, I put into their hands 'the works of Gother, an eminent Catholic 'divine.' This was a conduct at once consistent with liberality and the soundest policy. The same respectable prelate, in the debate on the Catholic Bill in 1793, candidly admitted, that 'speculative dif'ferences in some points of faith were of 'no account. His Roman Catholic bre'thren and himself had but one religion, '—the religion of Christians; and that, 'without justice to the Catholics, there 'could be no security for the Protestant 'Establishment.'—Sir J. H. then made some observations on the contrasted Catechisms of the Protestant incorporated Society and the general Catechism of the Roman Catholic titular metropolitans: the one but too evidently inculcating an abhorrence of their Catholic brethren; the other, instilling the principles of christian charity, and loyalty to the established government. It was to be regretted, he observed, that those societies, established no doubt with the most laudable design, should have fallen into a course so ill adapted, on Christian principles, to promote their object. Sir J. H. then reverted to the charges brought by Dr. Duigenan against Dr. Milner, on account of his publication of his 'Case of Conscience,' from which tract he had quoted an insulated passage, without reference to the context, giving it the complexion of a most offensive and dangerous doctrine with respect to the obligations of an oath: whereas a much celebrated dignitary of the established church, the late chancellor of Winchester, who was known to have been long opposed to Dr. Milner in the field of theological controversy, had expressed an opinion of the same tract very different from that of the learned gent. opposite. In a letter, sir J. H. observed that he had the gratification to receive from the late Dr. Sturges, and from which, with the permission of his hon. friend on the treasury bench, who stood in so near and tender a relation to that truly respectable divine,) he would beg to read an extract. 'Dr. Milner's 'pamphlet on the king's oath,' says Dr. Sturges, 'is able and unanswerable; the 'Catholics, I think, are obliged to me for 'calling forth his Letters to a Prebendary, 'written against me, which I see are frequently referred to as a work of high authority.' Sir J. H. proceeded to make some observations on the concordat between the government of France and the see of Rome, in 1801, many of the restrictions of which were, in point of fact, conceded by Leo the tenth in his concordat with Francis the first, and the subsequent regulations of the French government, as far as they respect the admission and registration of rescripts, &c. from the see of Rome, are the same as were instituted under the old regime of the Gallican church, viz. that 'no bull, rescript, decree, 'nor other missive from the see of Rome, 'shall be received, published, or otherwise 'put in force, without the authority of the 'government.' Our government, of course, are free to institute similar restrictions, which might materially tend to quiet the apprehensions of the most scrupulous, whenever the see of Rome should be considered as acting under a hostile influence, and become an object of justifiable suspicion. Such were unquestionably the regulations from the time of Francis the first, established as guards against a foreign influence, but practically, it was seldom, if ever, found necessary to resort to that control. The ecclesiastical constitution of France also provided both a Lutheran and Calvinistical establishment, with their relative synods, &c. But with respect to the Catholic communion, the address, prefacing the act of establishment, declares 'That the Catholic religion is that of a 'vast majority of the French nation; to 'abandon so powerful an engine, therefore, 'would be to desire the first ambitious 'knave, or unsuccessful demagogue, who 'wished to convulse France anew, to seize 'it, and direct it against his country.' The application to the case of Ireland was but too obvious.—Sir J. H. then observed, that he could not on this occasion forbear citing the authority of that great statesman Mr. Pitt, who decidedly admitted the general loyalty of the Catholics, and denied that the rebellion of 1798 was a Catholic rebellion; adding also, 'That 'whatever checks he had had in contemplation heretofore, they did not apply to 'the Catholics, as Catholics, but such tests 'as should be a security against the principles on which the rebellion originated.' —As the house seemed to express much impatience for the question, sir J. H. begged to remind them, that although twenty years had elapsed since his first introduction to a seat in that house, he had rarely trespassed on their patience; but on the present occasion he could not reconcile himself to a silent vote, and the extracts he had adduced, he felt, were entitled to the most serious attention of those who questioned the justice and policy of the proposed concessions. He had confined the authorities quoted, to such opinions chiefly as had been given on this subject, by distinguished prelates of the Established Church, and which indeed might have been multiplied, with undiminished force, to an extent little suited to the present disposition of the house. He then expressed his regret that the learned doctor, who, on a former occasion, brought down so many antiquated documents in his hand, had not, on the present occasion, delivered his sentiments, as sir J. H. was fully prepared to have replied to him.—He begged also the chancellor of the exchequer, (who had on a preceding night contended that religious toleration should be excluded from any aids derived from the public purse) to recollect that we had, at this moment, both Lutheran and Calvinistical churches and preachers established within the precincts of St. James's palace, paid from the civil list, and wisely so in his opinion, although the right hon. gent. must be aware that the communion of the Lutheran, as well as the Catholic, maintained the real presence in the sacrament.

This speculative tenet, nevertheless, had not been considered as a bar to state provision which had been made for those professing it, and which had existed from the days of queen Anne, when it was first established. It was incumbent on the house also to recollect that Roman Catholics had sat and voted in parliament during four successive reigns since the period of the reformation.—With this observation he should conclude, giving his hearty concurrence in the question for going into a committee of the whole house, in which this important subject might be more adequately considered.

Mr. *W. Elliot.*—Sir; in supporting this motion, I earnestly wish to abstain from every thing like warmth or personality, in conformity with the recommendation of the right hon. gent. who, with such forcible arguments and splendid eloquence, opened this debate. I do not rise for the purpose of entering into any discussion on the general topic; but, in consequence of what has fallen from my noble friend opposite (lord Castlereagh), merely to advert to the circumstance of the Union, of which I may be supposed to have some official knowledge; and the nature of the expectation held out to the Catholics, in order to conciliate their acquiescence in that measure. My noble friend has said, that no pledge was given to the Catholics, that their full emancipation was to be the immediate consequence of this measure, in consideration of their support. It is true, indeed, that no bond was given to the Catholics on that point; but there were certainly expectations, and something like promises held out to them, which, in my mind, ought to be more binding than a bond. And so strongly was this idea felt by my noble friend, by my right hon. friend (Mr. Canning), and by a right hon. gent. now no more (Mr. Pitt), that they quitted office because they could not carry the measure; and when, upon Mr. Pitt's return to office, he opposed the going into the committee, it was not from any objection to the measure, but to the time. I therefore think, that my noble friend and my right hon. friend, must both feel themselves in an aukward situation this night, under the opposition they have given to the measure. The right hon. the chancellor of the exchequer, when attorney general in 1805, opposed it, upon the ground that it would be an infringement of the articles of the union, by one of which it was expressly stipulated, that the protestant religion should be supported in Ireland. The framers of the act must have been stupid indeed, if the language of the statute was to be construed to preclude a measure, which was expressly understood to be one of the conditions of the union. My noble and right hon. friends upon the pledge of not agitating the question, to which they had declared themselves favourable, had come into office in place of those who would not have refused the discussion, and still profess to maintain their former good wishes towards the Catholics, and their desire to conciliate them. But, I appeal to the good sense of the house, whether, the restoration of Mr. Giffard to office, the refusal of the usual grant to Maynooth college, and the appointment of a learned gentleman, whom he would not now name (Dr. Duigenan) to be a member of the Irish privy council, were symptoms of a system of conciliation towards the Catholics of Ireland. I sincerely hope the house will go into a committee and discuss the subject, and say whether the penal laws against the Catholics ought or ought not to be continued. And, although the right hon. the chancellor of the exchequer, and the right hon. and learned gent. lately appointed to the Irish privy council, may not be favourable to the measure, I trust the wisdom of the house will see the policy of conciliating the affection and confidence of the Irish people, and thus lay up a store of strength for the empire against the hour of danger.

Mr. *Wilberforce.*—I entirely approve, sir, of the calmness and moderation recommended by the right hon. gent. who opened this debate, in a speech replete with the most splendid eloquence. I do not mean to attempt to follow him throughout the whole of his arguments. But, with respect to the time, I do not think the present a proper one, if there were no other reason than that it is impossible now to carry the measure. If the gentlemen opposite knew that they could carry it, I grant it would be a good time. But as they must be certain of the contrary, I think we ought not to go one step farther in this discussion. I consider it in the highest degree inexpedient, in times like these, to raise the hopes of the Catholics, when there exists not a single chance of our being enabled to gratify them. I sincerely deprecate a useless discussion, by which, in the present temper of the house, in the warmth of those party feelings which have marked its debates throughout the session, and in which every question called forth personalities and mutual recriminations, no other end could be answered than that of exciting new discontents among those, whose Petition it is now proposed to discuss in a committee. The right hon. gent. who opened the debate, has not had so good an opportunity as myself of knowing the sentiments of the people of England on this subject: and, as far as my experience goes, those sentiments are not favourable, but the contrary. The people of Scotland are also, so far as I know, hostile to the measure. And the reason, I am persuaded, why petitions have not come forward from various quarters against it, is because it has been universally believed, that the temper of parliament itself is so adverse to the measure, as to leave it no chance of success. Sir, it is now time to speak out. The popular feeling in this country is decidedly against the measure; and it was on this ground that a right hon. friend of mine, now no more, declined to urge it further on a former occasion. With respect to the anomalous circumstance of a Protestant church establishment in Ireland, supported in a great degree by Catholics, I feel, and perhaps regret, the circumstance as sincerely as any man: but it is inevitable. I also feel, that to grant to the Catholics their present claims would by no means satisfy them completely; for it would be in vain to endeavour to reconcile them to the permanent support of a Protestant church establishment. Successive concessions, so far from silencing, have only stimulated them to fresh demands. Even the most zealous reformer could scarcely have supposed that so many concessions to the Catholics would have so rapidly succeeded the first granted to them. I fear that new concessions now would but occasion new demands. Measures, which tend to make a fundamental change in the political situation of a great country, should at no time be hastily adopted. It behoves the legislature cautiously to feel its way, before it consents to any great change in the principles of the constitution, lest, by a false step, mischief the most irretrievable might ensue. The language held by my right hon. friend, now no more, when talking of the measure of union, or with respect to Catholic emancipation, was, that the union would enable the legislature of this country either to grant full emancipation to the Catholics with greater safety, or withhold it with less danger. I am sure the candid mind of the right hon. gent. opposite (Mr. Grattan) will admit, that Mr. Pitt met with much more opposition in the popular mind than he had apprehended, and that this had induced him to relinquish the measure entirely. That mind is still averse to it. And for these reasons, I shall think it my duty to resist the Catholic claims, although I have a great regard for their welfare. I have every wish to promote their instruction. Before I sit down, I must observe that they had themselves promised not to bring this matter forward—(No, no, no! from the Opposition.)—However that may be, seeing that the time and circumstances are unfavourable, I must again deprecate all farther discussion on the subject.

Lord *Henry Petty* in explanation.—What I stated was, that it was not the intention of myself and my friends, when in office, to bring the Catholic emancipation forward as a cabinet question. But that we reserved to ourselves the right, as members of parliament, of voting in its favour, when it should be brought forward by others.

Mr. *Richard Martin.*—I confess, sir, I have never felt more pungent regret than at the discussion of this evening. Notwithstanding what has been said about moderation and calmness, I have never heard more inflammatory language, uttered with a calm voice and a sermonic tone, than what has come from the gentlemen on the other side of the house. Nothing like it has been uttered for a century within these walls. I cannot congratulate one of these right hon. gentlemen (Mr. Canning) on the speech which he has made, on the sentiments he has uttered, or on the cheers which he has received. Whatever may be his feelings of triumph on this occasion, I do not envy him. From the course which he and his colleagues have chosen to take, it appears to me, however, that the present rejection of the Catholic claims may be considered as final. They will not be again brought before parliament: let them mark my prediction. The Catholics will no longer trust you with the bait of a Petition. They will no longer expose themselves to the mortification and insult of having their Petition rejected without even a discussion of their claims. Nothing can be more absurd, or more distant from truth, than the assertion that the Catholic Petition has been brought forward by a party. The Catholics would disdain to have their Petition brought forward by any party. They are even jealous of my right hon. friend (Mr. Grattan). When the cry in Ireland was union or rebellion, I was in favour of the measure of union; but I have since learnt that it is very possible to have a rebellion after a union. The Catholics did certainly lend their aid to support the union, which could not be carried without their acquiescence; and they as certainly did so upon an understood pledge of emancipation. It was strictly confided in by the Catholics, and even in some degree acted upon by those who gave it. If that pledge were now to be abandoned, the compact with the Catholics is broken, and they have a right to claim the restoration of their parliament. The consequence of this impolitic rejection will be, that the Catholics will join the Protestants, who were always averse from the union, and with others who have since become equally so, and unite their endeavours in order to procure its repeal.

Mr. *G. Ponsonby.*—Sir; the hon. member who spoke last but one (Mr. Wilberforce), made a declaration which gave me much satisfaction: he said, 'that it was time for him to speak out.' Nothing ever gave me more pleasure; for in hearing his speeches, I confess I have often attended to them, but could never yet attain his perfect meaning. At the same time, I must confess, that there was some part of his speech which rather surprised me. He said, that he was a prodigious friend to the education of the Catholics, while he was an enemy to their claims in the full extent in which they had preferred them. I endeavoured to discover what was the conduct of that hon. gent. upon a late occasion, as to the education of the Catholic clergy, and I find, that he voted for the smaller sum instead of the larger for that purpose. Now, this is a strange mode of shewing his wish for the encouragement of that education. He acknowledged that he refused to grant the prayer of the petition, with prodigious pain to himself, and yet he loaded the Catholics with all sorts of epithets. I never saw a request denied to a suppliant with more apparent coldness and indifference in all my life. But he told us, there were circumstances and occasions when it was very unfit to discuss questions of this sort, and that they were attended with infinite mischief, because he is convinced that the majority of the people of this country, and of Scotland, are against this question. Is he convinced, too, that the majority of the people of G. Britain are to remain at all times of the same opinion with regard to it? Is he persuaded too, that the best method he can adopt, in order to induce the people of England to agree to the Irish claims, is to withdraw those claims and not permit them to be discussed? If the house be of opinion that they are reasonable claims, then ought it to encourage them to prefer them; if it be of opinion that these claims can only prove prejudicial to the country, even then there is the best reason afforded for repeated discussion, in order to shew their impropriety. For can reason conquer prejudice but by discussion; and how can improvement be introduced without debate? Does he mean to say that no part of what the Catholics require can be yielded to them? [Here Mr. Wilberforce shook his head.] I do not really know how to interpret the hon. gent. when he shakes his head, but this I am sure of, that the oftner the question is argued, the sooner will they obtain, what must in the end be yielded to them. Were they not to appeal to parliament at all, or to enlighten the people of this country, how are they to attain what they require? Does he believe the people of this country will acquiesce the more readily in their claim, if that claim be unaccompanied by discussion. The hon. gent. is a man of sense and experience, and does he suppose that so great a part of the population of the country will ever consent to a contumelious refusal of what they think a reasonable claim? It has been said that this was to be made a party question. I never heard so much nonsense as has been said upon this particular point; I have heard many people in this country say, 'Oh! were it not for the agitation of this question in parliament, and also the motives of some individuals wishing to bring it on, and afterwards wishing it to be kept back, we should hear nothing at all of the Catholics of Ireland.' It is impossible to imagine that so stupid a notion could be encouraged. It is really the greatest degree of absurdity and fatuity that I ever witnessed in the conduct of mankind in my life, to imagine that so great a body as the Catholics of Ireland can know no good reason why they should not be admitted to those privileges which they see others enjoying, and to imagine they can be kept back from asserting their claims, merely from the interference of this or the other party. A right hon. gent. has said, that the late administration wished to keep back their claims when they were in office: and when they were out of it, they wished to encourage their being brought forward. He is not right, however, in this assertion. I know of no man that either wished to keep it back when in office, nor now to bring it forward for party purposes. It is rather hard to adduce as evidence of our inclination to keep it back formerly, that we wish to bring it forward now. It is absurd to suppose, that we, who had not the power when in office of preventing that body from urging their claims, can now have the power of preventing them from doing so. But, sir, that hon. gent. has given no other reason whatever why the Catholics should not urge their claims, if temporary circumstances led them to suppose it was convenient for them to do so. They feel their own importance in the empire, and think they have a just right to urge this house to comply with their request. The noble lord opposite said, that he could disclaim any imputations of a personal nature; for, says he, I have never regarded this question as one that ought to affect a man's situation in office. Thus you may carry this question if you approve of it, but if not, you must submit it to its fate. In short, he tells you he was with one administration because they approved, and with another because they disapproved of the measure. On such grounds I do not see how he can ever be out of office, for whether such a petition be successful or unsuccessful, it forms a good reason for the noble lord always continuing in power. He farther says, there never was any pledge given to the Catholics on this subject. I do not know if there were, as I never troubled myself as to pledges, nor what were the means the government took to procure the support of the Catholics; but I recollect there were certain epistolary correspondences published, one letter representing the sentiments of lord Cornwallis, and another from the noble lord himself, representing the sentiments of the Catholics, when he held the office of secretary to the lord lieutenant of Ireland. If I recollect rightly, when Mr. Pitt went out of office in 1801, I read those letters in the hands of one Catholic gentlemen in Ireland: and, if I mistake not, there was a passage in some of them written by the noble lord himself, stating to the Catholics, the determination of many considerable men, I believe Mr. Pitt, lord Melville, and earl Camden, advising the Catholics to remain perfectly quiet, because those persons had entered into a pledge never to take any part in his majesty's government, but upon condition of being allowed to grant the concessions which the Catholics required. It was understood at the time that this declaration was made in consequence of an engagement with the Catholics, that if they agreed to the union, their claims would be listened to. This letter was well understood in Ireland, and never received a contradiction; and therefore, I am inclined to think, that there was a complete understanding on the part of the Catholics, that their claims should be heard by the government, and that they should not endeavour to borrow aid or assistance from disaffected persons, nor do any thing to injure their cause, because those persons I have alluded to, were determined not to assume any direction in the country, except with an intention of forwarding their claims. It was said, there was no alteration of circumstances since this question was last discussed in parliament; now, I conceive that there is the greatest alteration of circumstances, that could possibly have taken place, and these circumstances could not be known to the house, nor to the people of England; the circumstance the most weighty, is the connection subsisting between the clergy and the See of Rome: for, by giving to the pope a power over the Catholic clergy, and the government no controul over them, then they would in fact be putting the superior orders of clergy under a foreign power, falling under the dominion of France. The Catholics considered amongst themselves, and they determined to give to the government every information upon the subject, and to make their superior clergy subject to the crown. When a Catholic bishop in Ireland dies, the other bishops in that province in which the diocese of the deceased is situated, meet, and conferring amongst themselves, they fix upon three persons, whom they think the most fit to succeed him—They send those names to receive the approbation of the pope; for, according to the Catholic faith, it is impossible for certain offices to be performed but by appointment from the pope, as if by the immediate delegation of Christ himself. Now, they have agreed, when the names are returned, to send them to the lord lieutenant of Ireland; and if he should object to all the three, they strike them out, and send other three in their stead, until the king's approbation of some one of them be received. Even then, they send that name to Rome to receive the approbation of the pope. This, however, is giving the real and effectual nomination to the crown; and this being the case, will any man say this is cultivating through Rome an intercourse with France for traitorous purposes? How can they better evince loyalty? They desire you, too, to superintend the education of their clergy, or ask you to assist them to do it, and yet, after all this you still treat them as aliens, and disaffected persons. It is impossible there can be too much discussion of this question. The real state of it should be understood from the north to the south. If the right hon. the chancellor of the exchequer, who at present sits so aukwardly between those two champions of the Catholics, the noble lord (Castlereagh), and the secretary of state for foreign affairs (Mr. Canning), had taken half so much pains to comply with the reasonable desires of that portion of the people, as he took to raise the senseless cry of "No Popery," although he might not now be enjoying the sweets of office, his conscience would probably be more tranquil. But what is conscience to a great statesman? That right hon. gent. actually fancies he has become a great statesman, and has really raised great ideas in his own mind, as to his qualifications for governing such a country as England. He, no doubt, thinks he is possessed of great knowledge, reflection, and equanimity; qualities that cannot be denied, seeing it has been impossible to provoke him to a single observation. He possesses, I suppose, great knowledge in the history of his own country, and the secret springs which govern the actions of mankind—how to lead men on to victory, and how to conduct the war against France. Weak speculative men have fallen into errors, from which his much-enlightened mind had preserved him. Mr. Pitt, Mr. Fox, and Mr. Burke, all concurred in a favourable opinion respecting the Catholics of Ireland. But what are they, when compared to the right hon. gent.? Could such drivellers as these have ever found out the ingenious mode, discovered by the right hon. gent. of increasing the power of the country, and enabling her the better to carry on the struggle against France by excluding from her aid more than one fifth of her population! I am told that circumstances have not changed. What has become of the power of Europe? What has become of this tremendous Pope himself? The power he once possessed, Bonaparte has swept away, and a French prefect reigns at the Vatican. Does the right hon. gent. think, that Bonaparte's tyranny over the Pope would induce the latter to befriend France, or to promote her interests? If he do so, it must be through fear, and not goodwill; because I do not presume the right hon. gent. will argue, that stripping him of his power, and robbing him of his territory, is the way to win his affections. What is now happening in Spain? Does Bonaparte make use of the Catholic religion to extend the power of France? Does he treat a Catholic state with more leniency than a Protestant one? He has overthrown Catholic powers, as well as Protestant; and his army now occupies Spain as a province of France. Whatever the right hon. gent. opposite to me may think of the disposition of the English and Scotch Protestants, in regard to Ireland, he must allow me to say, that the Irish Protestants are as good judges as any of them. I have a letter from the late attorney general of Ireland, Mr. Plunkett, in which he states: "There is nothing new in this country, excepting, I believe I speak within bounds, when I say, that nine in ten Protestants, even including the clergy, would poll for the Catholic emancipation."—Do not the Protestants of Ireland know better than the members of this house, what tends to their benefit and safety? They must also know better than the Protestants of England and Scotland, what would be the effects of Catholic emancipation. The Irish Protestants of eight or nine counties have signed Resolutions on this subject, and among them the most opulent gentlemen of the country. In one county I have the names of some persons, of several thousands a year, affixed to the resolutions in favour of the Catholics, and of many representatives of some of the oldest families in Ireland, whose property has been confiscated. What is the situation of the world at this moment?—and what the prospect? Do days pass over our heads, without our seeing it become worse? Gentlemen opposite to me know better than I do, and better than I can know, what the probable views of our enemies are, and what prospects are still cherished in France, with regard to the further extension of her power. But, after all we can say upon the subject, the present ruler of France is a man of profound penetration. You may call him a cruel, vindictive usurper—a betrayer of the liberties of his country. Whatever epithets we bestow upon him, as an usurper and tyrant, we cannot heap them upon him without knowing that he very well merits them. But what does our opinion of him signify, his power is what we are to regard. We cannot make him less criminal or less systematic in his pursuit. He pursues the ruin of this country, and he pursues it with profound wisdom for the purpose of attaining his object. Has he not accomplished a great part of that object already? What is your situation upon the continent at this moment? With hardly a single ally, that can count upon his own safety for an instant—shut out from almost all connection with the continent, and likely soon to be entirely so—that is your condition. This he well knows. In the beginning of the last century, and in the war of the succession, what was your situation? Compare it with the present. You then fought, not for yourselves, but for Europe, in which your magnanimity was equal to your power, and all Europe dreaded the one as it admired the other. You sacrificed both your power and your greatness, to succour the distressed part of Europe against the ravages of an ambitious prince. That was your situation then. You are now fighting against a great power indeed, but for a very different object, not to succour the distressed, but to save yourselves from destruction, while you are shut up from all connection with any part of Europe. He has well contemplated these things, and is determined to keep you from any continental connections again, that can in any degree tend to increase your power: in short, he is determined to shut you out from the continent altogether. This was long ago his object, and he has very nearly accomplished it. He proceeds with great injustice, it is true, but, for his purpose, with profound wisdom. He will secure to himself the main purpose of his own ambition in the first instance, as he has, indeed, in a measure, done already; and in the next, he will reduce Europe to such a state, that you can derive no benefit from it, whatever may become the relative condition of its different states to each other. The Turkish empire will be the next point of his ambition, which most probably will be rendered subservient to his wishes. Then your power in the East will be his object. Such most probably will be the progress of his successful ambition. Such, I am confident, are his designs. Tremendous is this prospect to you. And what have you to oppose to all this? Great Britain and Ireland: for within a few months from this moment, you will be reduced to that situation. Then I would ask, is it reasonable to reject, without argument; to pass over, without discussion, a subject of such importance as that which is now before you? You are threatened with the extremities to which war can reduce you, carried on as it is by the most implacable enemy you ever had, and not only the most implacable, but the most profoundly skilled; and not only the most profoundly skilled, but also the most formidable, because the most powerful. How are you to defend yourselves sufficiently, against the attacks of such a foe? By making war on him. Can you make war upon him without the assistance of the Catholics? No. But our object is not war but peace—Can you make peace without the assistance of the Catholics? I say you cannot, without the cordial co-operation of the Catholics, obtain any thing but what may be comparatively called 'an ignominious peace.' That is, peace on terms infinitely less advantageous to Great Britain, than you could obtain with the cordial co-operation of the Catholics. Why, then, it comes to this: that in order to get rid of the danger which you apprehend to Ireland, from the discussion of this subject, you will place yourselves in a condition to take worse terms and conditions of peace, than you would, if freed from the apprehension of that danger. Why should this be so, I should wish to know? Is England so fallen from her former glory, that she will now accept of comparatively ignominious terms of peace, from a sense of her own internal weakness, arising, as it cannot but arise, from her internal dissensions. Is this the way in which we are to rival our ancestors in glory? Shall we forget the glorious achievements of Great Britain on the continent in former times? Shall we forget, or, remembering, shall we pass over, the proud event of our having carried victoriously our arms to France, and had our king crowned at Paris, and reduced the power of France to that of a suppliant at your feet? No, Sir, we shall not, we cannot forget, neither can we pass over these things. Nor shall we assent to ignominious terms of peace. We are assured we can have glorious terms of peace whenever we shall shew a disposition for it, as an united people. When shall we be that people? When the Irish Catholics can be won, and won they may be, and won they will be, if you treat them liberally. The right hon. gent. has said, that great and wise men have thought that the granting of what is now asked, would not satisfy the Catholics. He has not told us who these great and wise men were. Whoever they are, I doubt the soundness of their judgment, for I believe that what is now asked would satisfy the Catholics. But if this claim be allowed, shall we not have further claims made, and further desires expressed? Why should there not be further claims if they be just, or further desires expressed, if they be reasonable. Why should the Catholics be refused the common liberty of the rest of the inhabitants of the country. But consider the advantages arising from the grace of granting this application. The Catholics now claim certain rights and privileges; and they go to a given extent in making that claim; but if you gratify their wishes in the first instance, if you treat them well, that is, treat them as they ought to be treated, the Catholics will be satisfied with a moderate and reasonable allowance from the hand of the king. But it is very easy to foresee, that if you are determined to refuse what the Catholics reasonably request of you, the effect will be, that more will be demanded hereafter, than would have been, if you had complied with the first request. But the argument which is built upon this doctrine, 'that if you grant one thing, more will afterwards be asked of you, and therefore you should refuse in the first instance,' is, in my opinion, inconclusive, because that goes the length of saying, that a thing which is reasonable in itself, should never be granted, because it is possible that the granting it may be followed with a request which is unreasonable. And this mode of reasoning, bad as it is in itself, is still worse as it applies to the affairs of Ireland at the present moment—for I would have the right hon. gent. know, that in this question is contained the peace of Ireland.—It is said, in this house, that the Catholics want many other things besides those which they have specified in the Petition now before us; so perhaps they may; but I will venture to say, that all the grievances of which they complain, arise from the inequality of the situation in which they are placed. It is the interest of the monopolists of one religion, to act, as it were hostilely, towards the other; and there must always be felt a sense of insult and degradation when one class of men are placed beneath another class. Thus, as the Catholics are under the Protestants, they are to be degraded by their superiors in power, and when their interests are supposed to be hostile, so are the manners of the professors of the two religions. Those who are above, think nothing too bad for those who are below them, and those below, think they never can be emancipated too soon; that is, according to their view of it, get rid of their degradation, too soon; hence perpetual strife, and, while the cause exists, the effect must continue. But my right hon. friend, who introduced this motion, told us that he had no expectation of carrying it. I am afraid that his apprehensions on the fate of his motion this night, are too well founded. But this I will say, that whoever shall vote this night against this motion, does not vote for the proposition, 'that the Catholics shall not come into any department of the state,' but votes for the proposition 'that they shall not come into any in which they are not already, although they may hold some stations at present more generally important than those which they seek.' You say, for instance, that a Catholic shall not be a director of a national bank, although he may be the greatest proprietor in that bank. You say that he shall not be a governor, or sheriff of a county, although he may be the greatest land-owner in it. You set your veto to his claims, and say, 'we have admitted you to a given extent, but we shall admit you no farther;' and this you are going to say *in limine,* before you have heard the evidence on which the Catholics rest their claim. If you refer the petition to a committee, you will then put the subject into a train of inquiry, and you may, afterwards, decide what shall, and what shall not be done. But if you negative this petition, you do that which is equivalent to saying, that the Catholics shall remain, for ever, in the state in which they are at present. But I have heard some persons, even in this house, say that the refusal of the present application of the Catholics will put their claims to rest for ever. Of all the presumptuous folly of the opponents of the Catholics, this is, assuredly, the greatest. Do you suppose that four millions of people will, for ever, comply with your wishes, or gratify your desires? that they will, for ever, give you the whole of their loyalty—the whole of their attachment—defend you on all occasions—support you in all contests—sacrifice for you their fortunes and their lives; and shall not require, after all, any thing from you in return? No, no; you should not expect it, for it is not in human nature that things should go on thus for ever. You may suppose that the Catholics will be more ready to submit their claims upon your justice when one set of men are in power, than when another set of men are in power; but, believe me, they will urge their claims, whatever set of men may be in power, they are fully conscious of the justice of those claims, and they will never forego them, out of compliment to those who may happen at any time to be in place. They tell you, they protest to you, upon their solemn oath, that they are as loyal as the best of you; that they are genuine friends to their country and yours; they ask you to afford them an opportunity of shewing, and of proving that loyalty, and that attachment to the true interests of their country. They desire to be allowed to contribute, in the most effective manner, to the exigency of the state. They are willing, they are eager, to spill their blood in its defence. You should therefore treat them as loyal and patriotic men; and rank them among the best subjects which you have. If you do not, do you imagine, that because you may negative this Petition, they will abstain from urging their claims in future? If you do, I am confident you will be greatly deceived. The right hon. gent. opposite me says, that the late administration, what we call the duke of Bedford's administration, advised the Catholics to abstain from making this application, or from urging their claims, in any quarter, for the present, because the circumstances of the times were unpropitious for it. I had the honour to fill a situation in Ireland, in the confidence of the government to which the right hon. gent. alludes. I had the honour to be governor in one part of that country, and chancellor of the whole, and must therefore be supposed to possess a good deal of information of what were then the views of government. If I said I had not, I should be making an assertion for which I could not expect to be credited. I have not the least objection to state all that came to my knowledge on that subject. The Catholics did determine to urge their claims, and the Irish government did make application in England, with a view to learn whether these claims were likely to be conceded, or otherwise. The Irish government received an answer, that it was the opinion of the then administration, that the claims of the Catholics could not be supported to the extent they wished, but that the government here had hopes of doing something for them. In the intercourse with the Catholics, on that occasion—I being a native of that country, and necessarily knowing more of them than the duke of Bedford did—much of the concern was entrusted to me, as to the manner in which these claims should be brought forward, or deferred. It occurred to me to inquire what points would satisfy them, that is, what terms would induce them to forget the right of urging all their claims upon the justice of parliament, for some time to come; perhaps for the present reign; and in the course of that inquiry, I think I discovered what points they most immediately laid a stress upon, and the granting of which would satisfy them. These points were, I believe, submitted to his majesty's government in this country; but it happened to be the opinion of that government, that even these points could not be carried to the extent which was wished; and then my noble friend (lord Howick) introduced a Bill into this house to enable Catholics, as well as other dissenters from the established church, and of all denominations, to hold commissions in the army and navy. What the fate of that Bill was, every body knows; but the government of Ireland never told the Catholics, never advised them not to urge their claims when there was any probable chance of their success. But the right hon. gent. says, that the bill introduced into this house by my noble friend (lord Howick) would not have satisfied the Catholics, if it had passed into law, in the form in which it was brought forward. I do not know where the right hon. gent. obtained his information, but I deny the truth of it, and I say, that the Catholics did consider it as a measure of great consequence; and I do say further, that if that bill had been carried through this house, it would have had a good effect on them; and that for some time afterwards—probably in the present reign—they would not have urged their claims any farther. If they should find an opportunity when they were likely to succeed, they would urge them. Nobody will be so absurd as to advise them not to urge them; but I do know that the Catholics would have accepted that as a great boon; and this I state as an answer to those who say, that the Catholics were not in earnest about the passing of the Bill which was introduced into this house by my noble friend; for nothing can be more unfounded than the assumed fact, that the Catholics would not have accepted that bill as a great boon. From what I have stated, I should have hoped that the discussion of this question will do much good in this country; for instead of being afraid of discussing it, I wish it to be discussed as often as possible, and if it were not for tiring the house, with a too frequent repetion, I should wish it to be discussed once every month, until the object of the Catholics be gained; as gained, some time or other, it will be. The more the people of England understand this subject, the better; for then, the more will reason prevail over their prejudice, for prejudices, at present, they have. I am not saying that this discussion will be perfectly successful, my right hon. friend has not urged his argument with that view; but I say that the effect of the frequent discussion of this subject will be, to dispel prejudice, and that is not, it seems to me, a difficult matter with the people of England, for the people of England are a steady, sober, thinking people; a people among whom knowledge is very generally diffused, who have a natural love of justice, who always lean to what is fair and equitable, even although it may appear to be against their interest—a people who not only enjoy the blessings of a free constitution, but who wish to extend its blessings to those who enjoy them not. With a people so gifted, a people so blessed, so disposed, it is no extravagant expectation that reason should conquer prejudice; and therefore I cannot believe that the frequent discussion of this subject will have an unfavourable effect on the cause of the Catholics; on the contrary, my firm belief is, that the more this subject is discussed the more good will be done to the cause, and the sooner we shall arrive at that which is most earnestly to be desired, and most strenuously promoted, a perfect harmony between the people of England and of Ireland, without which you will never be a strong empire.—I say you will never be a strong empire until the people of Ireland become, as it were, a part of the British people; then, but then alone, will you be placed in that attitude in which you may securely bid defiance to the power of France.

Lord *Castlereagh* in explanation, said; Nothing, in the shape of a pledge, or any sort of understanding, took place between the government and the Catholics, which could possibly fetter the discretion of parliament on the subject of the Catholic claims prior to the union. As to the two papers which were circulated among the Catholics of Ireland, and which have been considered as proceeding from the union, it is observable, from the papers themselves, they were not intended for the public eye. One of these papers is stated to contain a declaration, that those who then, and on that occasion, retired from the public service, considered themselves as pledged not to accept any office in government, until the Catholic question was carried in favour of the Catholics. Where can the house see that paper in an authentic shape? It was never issued here in such a shape as to make any individual a party to it in any regular manner. With respect to the other paper, I did state, that although that paper was not drawn up as an official communication, my lord Cornwallis communicated it to the Catholics in Ireland, as that which was understood to be descriptive of the feelings of those who retired from office. That is to say, that paper, so communicated by my lord Cornwallis to the Catholics of Ireland, contained what were supposed to be the sentiments of certain individuals who had then recently retired from government, who had felt themselves unable to bring that subject forward with advantage, or with any prospect of success. But the house will not forget that those very gentlemen, who, retired from their situations in government, because they could not succeed in their object in favour of the Catholics, stated, most unequivocally, that if the Catholic claims should be urged, hostilely to government, those very individuals who thus retired from government, not only would not support, but would strenuously oppose the assertion of such claims. Now, as to the other point to which the right hon. gent. has alluded, as to the administration of the duke of Bedford, he has told us that he, and not the duke of Bedford, was chiefly instrumental in advising this claim to be made; and even he admits, that the answer of the government of this country was, that they did not think the claim, if made, could be successful. The truth is, that even that administration, at least a great part of that administration, thought that the bringing forward of the claim, at that time, would not only be injurious to the claim itself, but generally injurious to the country. So that we have it clearly proved, that even that application not only had not the sanction of the duke of Bedford, but was disapproved by a considerable part even of that administration. They thought it an application which could not serve either the claim itself, or the country.

Mr. *Windham* contradicted the statement of lord Castlereagh, respecting the motives which urged Mr. Pitt and his colleagues to abdicate the government in 1801.

Mr. *Yorke* expressed a particular wish to know upon what authority the right hon. gent. (Mr. Ponsonby) grounded his statement relative to the disposition of the Irish clergy as to the future appointment of their Bishops; as that circumstance, if well founded, must serve to remove a principal objection to the Catholic claims?

Mr. *Ponsonby* answered, that he made the statement upon the authority of Dr. Milner, who was a Catholic Bishop in this country, and who was authorised by the Catholic Bishops of Ireland to make the proposition, in case the measure of Catholic Emancipation should be acceded to. The proposition was this, that the person to be nominated to any vacant bishopric should be submitted for the king's approbation; and, that if the approbation was refused, another person should be proposed, and so on in succession, until his majesty's approbation should be obtained, so that the appointment should finally rest with the king.

The *Chancellor of the Exchequer.*—Sir; considering the lateness of the night, and the state of this question, as it stands upon the arguments which have been urged on either side, I think it will be unnecessary for me to detain the house any considerable length of time; I shall therefore compress what I have to say upon the subject as much as I can. The right hon. gent. (Mr. Ponsonby), was indignant that this subject should be taken up by a gentleman on the other side of the house as a party question, and he himself disclaims party feelings and party motives in the discussion of it. I can only say, that gentlemen on the other side of the house can have no reason to be surprised that some of us should think, from their conduct, that many of them at least are actuated by party motives; for, however strenuous they may now appear to be in support of this application, made in the name of the Catholics, yet clear it is, that during the whole of the period in which they were in his majesty's councils, they did all they could to prevent this very subject from being brought forward at all. They thought at that time, and they thought justly, that such an application was not likely to be of use to the Catholics, or to the country; on the contrary, that it was likely to produce mischief; and therefore they, most prudently and politically, endeavoured to prevent the subject from being brought forward. They endeavoured to prevent the only person who was then desirous of bringing it forward from moving in it. They then wanted to withhold all discussion upon the subject. Why do they bring it forward now? Do they think it more likely to be carried now than it would have been then? Or, supposing it not likely to be carried now, do they think it likely to be more productive of good to the cause of the Catholics now, than it would have been then? If they thought, only a year ago, that the subject could not be brought forward to advantage the cause which they are so eager to support, what is it that has operated to create so great a change in their minds? Oh! but they tell us, that although they do not entertain a hope they shall succeed in their application, yet the discussion is most valuable, will do incalculable good: that the subject is of such a nature that it cannot be discussed too much: that the more it is discussed, not only the more it will be to the advantage of the Catholics, but the more it will be to the general advantage of the empire. Now, I wish to know what new lights have so improved their vision, as to make them so much more clear-sighted on the sudden, than they were on a former occasion, and if the case be so clear, as they say it appears to them, how comes it that the discussion of it should have been so long protracted? I know of no other circumstance of alteration in the present period, that makes it more convenient, in the views of the gentlemen on the other side, to discuss this matter now, than at the time when they declined the discussion, except that of their being in power then, and of their not being in power now. If there be any other new light, except such as they have derived from being out of power, to make them see things more clearly than they did when they were in power, I am at a loss to discover it. They brought in a bill which was said by some of us, at the time, to be a measure which, if carried, would not be satisfactory to the Catholics; but we are corrected in our judgment in that particular, by the right hon. gent. who now assures us that the Catholics would have accepted it as a boon, and yet so great was the patriotism of its authors, that they consented to withdraw this boon, rather than that the country should lose the benefit of their services. It may, undoubtedly, be true, that nothing of party mixes in this business, but, under all the circumstances which attend it, those who draw that conclusion may be excused from the charge of drawing an unaccountable, or even rash, conclusion. I beg leave, however, to acquit the right hon. gent. who has brought this subject forward to night, from any desire of bringing it forward unfairly; on the contrary he has brought it forward in the most temperate and most conciliating manner possible, and I am glad of, and happy in, the opportunity which is thus afforded me of bearing testimony thereto.—As to the question itself, the manner in which it has been discussed to-night, and particularly by an hon. friend behind me, leaves me but little to say. The opposition which I am giving on this occasion, or which I have given to this subject, or any other, is not founded on any charge I have to make against the Irish Catholics for disloyalty, or disaffection to the state. Nor should it be supposed that I am unwilling to conciliate the people of Ireland, or unwilling to tranquillize Ireland, or to do any thing in my power that appears safe to be done, for the purpose of producing harmony among all classes of persons in that part of his majesty's dominions; but my objection has, at all times, been, when this question has come under consideration, this—that I do in my conscience believe, that this measure, if adopted, although intended ever so sincerely for the purpose of tranquillizing Ireland, and putting the Roman Catholics of Ireland in a state of perfect satisfaction, will not have that effect; but that it has a tendency to the contrary way—for, in my soul, I do believe, that nothing can be more likely to disturb Ireland, to excite in it, or, when excited, to increase religious animosity, than the adoption of the measure now recommended to us. I may be mistaken, but it is the strong conviction of my mind.—I will treat the argument of the right hon. gent. opposite to me (Mr. G. Ponsonby) as fairly as I can, and by that argument we have his testimony, that it is his opinion the granting what is now asked, would not satisfy the Catholics, and he tells us they ought not to be satisfied until you have granted to them what he calls the whole of 'their claims upon the justice of parliament:' that they will be glad to have any thing that you will give them, but they will not be satisfied with any thing short of what they call the whole of their claim upon your justice. Do I want more, in order to justify me in opposing this measure, viewing it as I do, than this very argument of the right hon. gentleman? He having insisted upon it, that if this be granted to the Catholics, they have still a right to more; that they ought to apply, and that at some favourable opportunity, they will apply, for more; that they must apply for more. Why, then, according to this argument, if your object be to tranquillize the Catholics and to conciliate them, this measure will not attain that end, for you are told before hand, that more will be applied for, and no doubt we should be told that the next claim shall be allowed in order to tranquillize the Catholics, and with no better prospect of success than we have now. Then it comes to this, that if you mean to tranquillize the Catholics, by granting what they ask, you must grant them the whole of what they think fit to ask. If it be your object to conciliate them by such means, you cannot stop short, but must go on conceding, until you have satisfied them. The right hon. gent. says, 'that if you grant to the Catholics that which they now ask they will be ready to accept it'—ready to *accept* it! they will be ready then to *demand* it: and upon the same principle they would then be desirous of possessing more in proportion to their service in the state, and they would say that the measure you adopt should comprehend the whole of their claim, and that they were entitled to every thing, because they are the great majority, and on the authority of Dr. Paley, they would have the same foundation in reason and in argument, to say that the whole establishment should be given up to them, as that which they are now asking. You cannot satisfy them until you go that length. That is to say, the granting what is now asked, would not satisfy the Catholics, but would operate as a stimulus to greater demands; it would be giving them an assurance that they are right in what they are now asking, and you would be disposed yourselves immediately to feel that you were acting unjustly, according to your own principles, if you withheld from them that which is the natural consequence of your own doctrine; and therefore, upon your own principle of tranquillizing Ireland, by concession to the Catholics, if you mean to act wisely by Ireland, and wisely by the whole empire too, you should not attempt to procure your tranquillity by halves, or by short measure, but you should do the whole at once. If you mean to satisfy the Catholics by concession, you should make up your minds to establish the Roman Catholic religion in Ireland, and then you will satisfy the Catholics, but short of that you never can satisfy them by concession: for, upon your own principle, they would be most unwise persons to be satisfied with what you now propose. But let us suppose, for a moment, that they should be satisfied, then it is alledged, that you will have tranquillized Ireland. I am not sure of that. There are, in Ireland, those who are not Catholics. What are we to say to all the Protestant Churchmen; and to the Protestant Dissenters? It is said, that the Protestant Dissenters are in favour of this application. We have testimony on the other side of the house to the contrary, and we have now upon your table a Petition to the contrary effect. We have the Common Council of the city of Dublin, and we have the evidence of an hon. member of this house, that we should dissatisfy the Churchmen of Ireland by adopting this measure. There certainly are many in Ireland who do not think well of this measure. As to the Protestant Dissenters of Ireland, we do not know that they are likely to be conciliated by it; at present we have no complaint from them; they do not appear to consider much about the progress of the claims of the Roman Catholics.—So much, for the present, for the dispositions of the people of Ireland. But the right hon. gent. would take very short measure indeed of the opinions, the sentiments, the dispositions and the feelings of this part of the united empire, if he supposed, that because there are no petitions against this measure, the people of England are not against it. There is but one county in England in which this subject appears to have been discussed, that is the county of Oxford. There it was expressly determined not to petition; but for what reason?—Because they felt it to be unnecessary; they knew, full well, that the measure proposed would not be adopted by this house. I believe that to be the acting principle that operated upon the minds of the great mass of the Protestants of this country. They are silent, because they are satisfied, and rest secure in the confidence they repose in this house, that it will watch with care, the constitution of their country, without their interference. These are the grounds which make it, in my opinion, extremely desirable that this measure should not be countenanced by this house, at the present moment. In my conscience I do believe, that if it were adopted, it would not produce any good, but would increase the very evil which it is intended to remove. As to the articles of the union, which have been pressed into the service of this debate, it is well known that my noble friend and myself agree entirely on that subject; and we both agree that parliament is under no pledge to support this measure on that account; we also agree, that under the present circumstances, what is now asked, ought not to be granted; but, why should I not go farther, and say, because I happen to think, that the country would not come so soon into a condition in which it may be prudent to entertain measures of this kind, as my noble friend seems to imagine, or rather to entertain a hope. Be that as it may, I see nothing that makes it adviseable at the present moment. What may be the situation of the world, and perhaps, of this very religion itself hereafter, that may make such a measure as this expedient, does not belong to any human being to foretell: we can only decide according to the lights which we possess at present; and here I beg to be distinctly understood, that if there should be such an alteration in the affairs of the world, or in the nature of this religion itself, as to put this question in a different shape hereafter, then, consistently with what I have done, and am now doing, I may assent to the propriety of adopting some measure for the purpose of granting what the Catholics may then seek. But that is an event which I do not anticipate; an event which cannot happen, to me, without a great alteration of the opinion which I hold at present, although, if I should change my opinion, I shall readily avow that change, without dreading any charge that may be brought against me for inconsistency.—I shall not enter into a detail of my objections to the measure at present, but shall content myself with saying, most distinctly, that on this question, whether I consider it on the ground of the time in which it has been brought forward, or on its own merits, my vote would be the same upon all these matters, if I took any one of them separately, as it now is about to be on taking them together. I am so far from objecting to the manner in which it has been brought forward by the right hon. gent. that I think we are much indebted to him for the temperance and moderation which distinguished his address to the chair. But as to the mode in which he has proposed to proceed upon the subject, I think it would be very objectionable, even supposing there were no other objections than those which I have stated to it; for if, with all his general and his specific knowledge of this subject, the right hon. gent. cannot trust himself so far as to bring forward a distinct proposition which he will recommend to the house as likely to satisfy the Roman Catholics, I do not believe that there is the least prospect, by discussion in a committee, of devising a plan by which you are likely to produce the good intended, or any good whatever. And although the right hon. gent. opposite (Mr. G. Ponsonby) observes, that this is only a motion that you should examine the subject, that observation has no weight with me; for if the friends of this measure had any proposition which they themselves thought fit to be assented to, they might have proposed that measure without reference to the supposition that it might be opposed by me, or the chance of its being supported by me, because the ground on which I resist this is, that we have, in my opinion, gone already too far in concessions to the Catholics; that is, that we have gone farther than principle requires us to go, and that we are arrived at that situation of things, in which it is our duty to make a stand, for the question is upon the principle. If, therefore, I do not find my mind ready to admit that the end which you have in view ought to be obtained, I ought not, as far as depends on me, to encourage you to proceed in the mode by which you hope to gain it.

Mr. *Whitbread.*—Sir; I shall not now trespass on the patience of the house, for two reasons: first, because it is much too late to expect attention; secondly, that if it were not, there are others better entitled to it, and who may wish to claim it. I should, however, wish to make some observations, if gentlemen are disposed, at this period of the debate, to hear what a member has to offer—if not, I should humbly propose that this debate be adjourned. I am aware that I have but slender claims upon your attention, but some things have been uttered in the course of this debate, upon which I could wish to make a few observations. I should suppose, from a consideration of the state of the house, and of the arguments upon this question, we can hardly expect to conclude the debate to-night; for which reasons I move you, sir, That this house do now adjourn.—A mixed cry of hear! hear! Adjourn! adjourn? go on! go on! instantly ensued.

The Speaker accordingly put the question, and the motion for an adjournment was negatived by general acclamation.

Mr. *Whitbread* then continued:—I am not disposed, sir, to take the sense of the house upon the question of adjournment, for, to myself, individually, it is no great inconvenience to proceed, because what I have to say, is but short, and because it is chiefly in answer to what has fallen from the right hon. gent. who has just sat down, and who is the leading minister of the crown on some occasions; but, who, in connection with his colleagues, seems to have wished to have passed over in silence this question, after the eloquent, the wise, and, to my mind, convincing speech of my right hon. friend; that silence which followed it bespoke its character, which was, that it was unanswerable; the silence however, was, at last, broken; lest ministers should appear to the world incapable of giving it an answer; but it is extraordinary that such answer should come, not from the minister who is hostile, but one whom I believe to be, in his heart, friendly, to the measure. But although the right hon. the chancellor of the exchequer, and a noble lord in the other house of parliament (lord Hawkesbury), are averse from granting any concession whatever to the Catholics, at any time whatever, yet the right hon. gent. will give me leave to tell him, that notwithstanding the present plenitude of his power, the time is coming, and it is not very distant, when the Catholic claims will be conceded, and that perhaps, unanimously; or something very near it.—But, it has been often said, and said very wisely, because truly, that governments never will learn good sense by experience; if that can be said of any government in this world, it may well be said of the government of this country, this day. Good God! when we look back at the history of our own country—when we look at the reign of Elizabeth, with her great constitutional advisers—when we see that in that spirit of concession so much of her power consisted—when we see that the unfortunate Charles refused to concede in time, and although he conceded afterwards more than was asked of him, his concession coming too late, lost its value, and he lost his life—when, I say, we contemplate these things, and look at what is passing now before us, what shall we say of the obstinacy of those ministers who refuse to entertain the present application? One right hon. gent. has thought fit, to night, as well as at other times, to chastise some persons in this house for acting upon party spirit. That right hon. gent. and myself have differed a good deal in debates in this house; I have voted often, pretty uniformly, on the one side; and he as often, and as uniformly, on the other; and that, perhaps, without either of us being a party man in the reproachful sense of that word. But, whether I ought to be denominated a party man or not, I own that I have what may be called party feelings; that is, I prefer one set of men to another set of men, because I prefer the principles of one set of men, to those of another, and I have no difficulty in admitting it to be my opinion, that party feeling should exist in this country, and that we should all act as party men, in resisting the measures of others, when we are convinced that such measures are injurious to the true interests of our country; and I have, in that sense of the phrase, acted as a party man, and have voted with those whose principles appeared to me to be founded on the best maxims of our constitution; men who have filled a considerable space in the public eye, and whose talents have often been admired in this house, where they have been strenuously and honourably exerted for so many years. Our ministers profess much earnestness for the true principles of religion, and they must know that 'the service of our Maker, is perfect freedom.' And yet they desire you not to discuss this subject! 'Do not discuss this subject,' say they, 'you should not attempt it, because you know that what you ask cannot be granted. You will disappoint the Catholics by it; and what will be the consequence of that disappointment? Rage in the breasts of the Catholics.'—Good God! how often has this senseless answer been given in this house upon other occasions, and how often has the absurdity of it been exposed! How often have we heard in discussions upon the abolition of that detestable traffic, the Slave Trade, which was so long a stain upon the character of this country, but which, thank God, is no longer so; but how often, I say, has it been said in these discussions, 'you will kindle a rage in the breasts of the negroes, and if you should succeed in your object of the Abolition of the African Slave Trade, which we trust in God you will not, but if you should succeed in your object, there will be a general massacre in the islands; for the negroes will be content with nothing short of total emancipation—such will be the result of your humanity.'—We now see how senseless all that species of reasoning was; if indeed reasoning it can be called. The administration, however, in whose time that glorious measure of the Abolition of the Slave Trade was accomplished, by a virtuous perseverance in their object, gained their end. They were faithful to the cause which they espoused, nor did they remit their labours until they had finished the great and good work. But the hon. gent. opposite (Mr. Wilberforce,) who took so leading a part in that abolition, can now see, in that administration, nothing but party spirit! Thus, the very men who were allowed to be perfectly consistent in their support of him in the Abolition of the Slave Trade, and allowed to have genuine feelings of humanity towards the African negroes as their fellow creatures, if they presume to express a fellow feeling for their fellow creatures in Ireland, are now to be charged by him with agitating a dangerous question upon party spirit.—[Hear! hear!]—If that hon. gent. does not say so, all I can say is, that I am in a dream. He will give me leave to say, I firmly believe that what he did on that occasion was from the pure spirit of doing good to a large portion of the human race, and at the same time to do a great good to his country. The right hon. gent. who has moved this measure in this house to-night, did it from the same motive, and if I support that motion, from what the hon. gent. may choose to call party spirit, what then? if it be, as I think it is, of advantage to the empire. I think it essential to the general interest of the empire that the Catholics should know there is, in this house, a party that has not deserted their cause, and that there is no recriminating or furious spirit on this side the house that is hostile to their interest, by provoking an intemperate discussion of their claims, and furnishing their opponents with an excuse for denying to do them justice; for in that respect my right hon. friend who brought this subject forward to-night, set an example worthy the imitation of any gentlemen who may choose to take part in this debate; and as to the mode proposed for future proceeding, I own I differ entirely from the right hon. gent. who spoke last, and who has so strenuously objected to this measure, for, by this mode, no fetters will be fastened on the future discretion of the house as to what shall be its ulterior proceeding. Should the house go into a committee, it is perfectly obvious, that it must be open to every member of that committee, to propose whatever he may think fit. I think it essential that the Catholics of Ireland should know there is in this house a considerable body of persons seriously attached to their interests, and bent upon pursuing such interests with temperance and moderation, and at the same time with persevering firmness. But the right hon. the chancellor of the exchequer says, that when the late administration were in power, they kept this subject back. This is an extraordinrry charge to make upon that administration, and the quarter whence it comes is still more extraordinary. A bill was brought in by a noble friend of mine (lord Howick, now earl Grey), it was violently opposed by the right hon gent.—we know its fate. But what has happened in the interim between that time and this? Is it not well known that that right hon. gent. is possessed of his present power from that very incident? Is not that the seat on which he sits? Is it not the pedestal on which he stands, when he harangues us, or when he endeavours to inflame the vulgar mind with the cry of 'no popery?' Was it not the platform on which he erected himself when that mischievous yell was echoed in those parts of the country which are inhabited by the constituents and connections of that right hon. gent.? And when that furious cry is raised, should we not endeavour to answer, and to allay it? But it seems, that while our friends were in administration, and the duke of Bedford at the head of it, in Ireland, this subject was not brought forward in its present shape. The duke of Bedford is a nobleman of great abilities and virtue; his actions plead for him better than I, or any other man could do, who might wish to be his advocate. The system of policy which he adopted and pursued in Ireland, was the only one that can ever succeed there.—A system of conciliation; and the arrangement of that part of it, which more immediately related to the claims of the Catholics, naturally devolved upon my right hon. friend near me, (Mr. G. Ponsonby); his character, connections, and, above all, his commanding talents, pointed him out as an eminently fit person to whom to entrust the care of that important object. But when my noble friend brought in the bill to which I have alluded, the right hon. gent. opposite to me, considered it as a 'tub thrown out to the whale,' when offered to the Catholics, with a view of satisfying them; but mischief attended it, he said, in every other point. I say it was justice only, to the Catholics, justice which even my lord Clare himself wished them to have in the year 1793. It was then the right hon. gent. raised the cry of 'no popery,'—'The church is in danger,' 'The constitution is in danger,' 'The empire is in danger.' This the right hon. gent. did, I will not say, for time-serving purposes, but I will say, that if such had been his object, his conduct could not possibly have been better adapted for the purpose. The right hon. gent. now assumes an original independence of opinion upon this subject. Mr. Pitt was in favour of the claims of the Catholics; does the right hon. gent. mean to say that he ever differed from Mr. Pitt in any one shade of this subject? No, I am bound to suppose that he did not. I am bound, by his actions, to suppose that he did not. But the noble lord (Castlereagh), a cabinet counsellor at the time, did pledge himself to the Catholics of Ireland to obtain for them redress in the event of the union taking place; although he now maintains that there was no pledge to that effect; that the union was for political purposes only, to give us greater power for resisting the common enemy. But the right hon. the chancellor of the exchequer, and the hon. gent. behind him, (Mr. Wilberforce,) who has no party prejudices at all, have asked what difference there is between the present time and that of 1805, so as to render the present application on behalf of the Catholics necessary? To which I answer; there is a great difference. In the first place, there is a great difference in the public opinion upon the subject. When the bill which has been so often alluded to, was brought into this house by my noble friend, so little danger was apprehended from it, that if it had not been for the observations of the right hon. the chancellor of the exchequer, it would have wholly passed without observation. It would have passed into a law quietly, and would have quieted its objects, if it had not been for the cry which the right hon. gent. raised against it, and that has thrown the nation back a century in the scale of liberal opinion. In some places, however, thank Heaven, the object was totally disappointed. But in others, the yell became tremendous, and prejudices were rekindled into fury. Surely the right hon. gent., upon reflection, must shudder at the effect of his own work. For much of the mischief created by this cry we have the authority of a learned friend of mine, who is no longer a member of this house, but who was once an ornament to it, and whose brilliant talents and splendid eloquence, at once convinced and delighted us—I speak of Mr. Plunkett, whose speech upon that subject, in this house, will not be forgotten, while they live, by those who heard it. He told us the mischiefs produced by the restless spirit that raised that cry of 'no 'popery.' Would the right hon. gent. set down the authority of such a man as Mr. Plunkett, upon such a subject, as nothing at all? And upon this subject a gallant officer (Mr. M. Matthew) spoke also most correctly, and with very justifiable animation. The right hon. gent. may think that this cry of 'no popery,' is the genuine sentiment of the people of England; now, upon that point I will take Westminster against Northampton—At Northampton, indeed, the cry of 'no popery'—'church 'and king for ever,' had their effect, no doubt—But at Westminster it had none whatever; and the right hon. gent. will hardly contend that there is more intelligence in Northampton than there is in Westminster. With the enlightened part of the community that delusion is done away. And the discussion of this question, if it took place from day to day, would soon open the eyes of the public, and we should hear no more about 'popish plots,' or 'the church is in danger.' Mr. Fox said, that the moment of delusion from fanaticism, was passed away never to return. Mr. Fox was a man of the most transcendant talents that ever, perhaps, adorned human life, but in this he was no prophet. When he said this, he little thought that his majesty's attorney general, an officer whose duty it is to check, not to create fury in any of the king's subjects, would have lent himself to the work of throwing the vulgar part of mankind into a species of fanatic phrenzy, and then avail himself of it for the purpose of obtaining political power. And therefore no wonder that Mr. Fox, from his unsuspecting nature, was not a prophet on this occasion. But the right hon. gent. has told us, that the Roman Catholics will not be satisfied with what you now propose to give to them, for that they are coming on perpetually to demand one privilege after another. It is your fault, that they are left to come to you from time to time, to demand more and more justice at your hands. But the right hon. gent. says, that if you grant what is now asked of you, you must go on until there is nothing left to be granted. This might as well have beeen said in the year 1788, and in the year 1793, when some things were granted to the Catholics, as at this moment. It is an argument, (if, indeed, it is not dignifying it too much to give it that name,) which would have done just as well at any period, as it will do now, because it goes against granting the Catholics any thing, at any time; and if it even were true, would be a satire on the legislature for every thing it ever did for the Catholics. But it seems the mode here proposed, of going into a committee, is objectionable; that you should not go into that committee unless something specific were pointed out to be done; that we should say, before hand, what is to be done; and thus it is that the spontaneous Petition of 30,000 persons shall be passed over, instead of being referred to a committee, because it is apprehended, by some, that you may do something too little, for the Catholics, and so displease them, or, if you please, you may, possibly, do something so far too much, as to displease others; then, I say, this is reasoning in favour of going into a committee, because there you will have an opportunity of discussing what will, or what will not satisfy the Catholics, or their opponents; otherwise you may as well say that the whole of your penal code against the Catholics should have remained entire. Upon the reasoning of the chancellor of the exchequer, you were quite wrong in what you granted to the college of Maynooth the other day—that grant, pitiful as I think it was, was yet too much, for, if he be right in his argument, it should not have been granted at all. Nay, upon his reasoning you should rescind altogether the grants which the legislature has, from time to time, made to the Roman Catholics; for they are the source of all their discontents. All this, I say, is false reasoning, and I hope this house will view it in that light, and that you will go into a committee upon this subject, to inquire what is best to be done. We shall then see what it is the friends of the Catholics wish to do, and if you find they aim at too much, you can then oppose them. But do not say you will not hear their Petition; for that is the course now recommended to you by those who oppose it. But the right hon. gent. says, that if the Roman Catholic religion shall be changed at any time, he shall then be willing to consider whether any thing farther can be granted to its profesors. What change does he want? Does he want the Pope to become a temporal nonentity? If that be the change he wants, that change is already effected. But, 'the king should have the nomination of the Catholic bishops, in Ireland, instead of the Pope.' That again is, in substance, offered to you; for the Catholics propose that the king shall have a negative upon every one of them, and that none shall officiate as bishop who shall not have obtained the approbation of his majesty. I know not whether the right hon. gent. calls that any change in the religion of the Catholics or not, but I think it ought to quiet his apprehensions. As to the objection which has been started against the Catholics having commands at sea, lest chaplains of that persuasion should be appointed, and that they should throw the crew into confusion by endeavouring to make proselytes, I own I see nothing in it —the chaplain will hardly wade through blood and brains to settle controversial doctrines—sailors will hardly debate on board a ship, upon the question of, whether the Thirty Nine Articles ought to be agreed to or not? Nor do I apprehend that soldiers in a camp will debate the question of Whether their chaplain ought to be canonized or consecrated by the Pope or not? These are difficulties which are started for their own sake merely. But that which almost astounds me, and must, I think, astonish the house, is the profound silence to-night of a profoundly learned, and sometimes not a little confident, right hon. gent. (Dr. Duigenan); surely there is something ominous in that silence. He was introduced into the privy council of Ireland for the purpose of giving his opinion on Irish ecclesiastical concerns; why does he now withhold that valuable opinion from this house? On former occasions he has been abundantly communicative, for we all remember that in a pamphlet of great length, as well as learning, he, some time ago, spoke of the Catholics in such a manner, that some persons considered what he said as open calumny, and among those who so considered it, were a Judge and Jury acting upon their oaths in a court of justice, for the publisher of that pamphlet has been convicted as a slanderer for language used in the pamphlet of that learned and, now, right hon. gent.—But this question seems to me to be of great importance in another point of view. I mean as to the effect of your refusal to take off the shackles of the Roman Catholics. You say that you cannot believe them upon their oaths when they swear fidelity to your constitution, and ask you to trust them to fight in its defence. They say to you, 'For God's sake let us be free, that we may fight for you.' To which you answer, 'No, you are most unreasonable men—What! do you want your hands untied! How do we know what use you will make of them if we do untie them?' To which they may subjoin, 'Take care that you do not make us break our chains ourselves, for if we do, that will take away every claim you have on us for our assistance, in the hour of peril.'—There is one thing, however, at which I am able to rejoice in the consideration of this subject, that of our having entirely got rid of a bug-bear; I mean the Coronation Oath. There is nothing whatever in the true spirit of that oath, which militates against the king's assent to any measure which the two other branches of the legislature may present to his majesty in favour of the Roman Catholics. Not one, even of the most strenuous opponents of this measure, will now talk of the Coronation Oath; they are beaten out of it; they are ashamed to mention it again. That is one of the advantages which have arisen from the discussion of this subject. But it served one admirable purpose for the right hon. gent.: the purpose of election—an insult to the good sense of the people of this country. But the insults which you have offered to the Catholics of Ireland have been still worse. What could be more galling to them than the late appointment of a privy counsellor, who is marked out for his singular hostility to them in every particular. And then again, the manner in which the Petition was objected to in point of form when first offered to the house was calculated to make the most unfavourable impression upon the minds of the Catholics. Nothing could be more wounding to their pride than the indignities which have of late been studiously offered to them. In the year 1805 the Catholics petitioned parliament. The result we know. In the year 1807 they did not petition. They were advised not to petition. Why did they follow that advice? Because they confided in the party that advised them. They saw conciliation in every act of administration towards them. Relying on the faith of government, they abstained from petitioning. They found themselves again, on the sudden, disappointed, and in the year 1808 nothing is left for them but to petition again, in order to be heard. But you say that this question should be so decided to-night as that they may be discouraged from repeating their application. Do you wish to drive them from this house for ever! I entertain no such thought. I hope, and I confidently trust, that this subject will perpetually recur until it shall become successful. I do hope that the Catholics will come before us from time to time until they shall become successful in their application. Let me intreat this house to remember, that in Ireland, by I know not what fatuity, concessions have always come too late. Not too late for any good effect, but too late for the intended effect, that of satisfying those to whom it was made: neither should the house forget what dean Swift said of Ireland, which, if true, accounts for the discontents of its people: 'That it is a country which has always been pillaged and plundered.' Remember the words of Mr. Eden when he was entering on his mission: 'That the emergency was so great, the time so short, that he could not go home, but had a post chaise at the door of the house of commons.' This is an instance of the necessity of dispatch. But do you take care that you do not delay this subject so long that the Catholics may, at last, refuse to receive your messenger when he shall arrive with your concessions to them; for the time is approaching fast when you must do all they require. I see the right hon. the chancellor of the exchequer appears indignant at this. I wish to know on what terms the different members of the king's government are with each other upon this subject. I know that the duke of Portland, is, nominally, at the head of the present administration. He was once a strenuous friend to the Catholics. Is he true to his point? Is he 'the son of their table?' and are they 'planets that are not able, without his beams, to shine?'—But to conclude; I wish to know whether it would not be better for all parties that we should go into this committee? No, says the chancellor of the exchequer, you should not, for nothing will satisfy the Roman Catholics but the absolute formation of a new establishment in the Church of Ireland. No, says the noble lord, for this inquiry will lead to the emancipation of the Catholics. To which I say, not necessarily to either; for the committee will not be bound to adopt any one measure which may be proposed. They will only have to inquire into the subject, for which reason I shall heartily vote for going into a committee upon this important question.

Colonel *Hutchinson* rose, amidst a general call for the question, and, having obtained a hearing, spoke to the following effect:—Sir, I think it not a little extraordinary, upon a subject of such vast importance to the Irish nation, and to the British empire, that gentlemen are so anxious to come to a decision upon the question, that they will not allow every one to deliver their sentiments upon it.—Sir, it is a subject which, in the present momentous crisis, calls most imperiously for the sentiments not only of the Irish members, and those of the British representation, but it does also demand at least some notice from the government. It is therefore with very great surprise, not unmixed with regret, that I have not heard from ministers any one argument against the claims of the petitioners; but what has created in my mind greater surprise, and made more impression on me, is, that not one British member has condescended to offer one single argument against the Petition. I take it for granted, therefore, that they have none to offer—if they had, an appeal for amelioration and protection from four millions and a half of your fellow subjects, would not be met with silence. Is this the way, I ask, in which you mean to pass it over? I should hope not. I should hope that you will not let it go forth to the Catholics of Ireland, that upon a petition stating disabilities and grievances, which, as subjects of the empire, they labour under; and praying that those disabilities might be removed, you dismissed those claims in silence, but will give some shadow of reason for the dismissal. If ministers and the English members on their side of the house are determined to persevere in silence, and give a silent vote, I claim, on the part of those English members who wish to speak, that they may retire and meet again; perhaps the lateness of the hour [five o'clock in the morning] may have indisposed them, and prevented them from delivering their sentiments. I hope it is so, for the honour of the united parliament. It therefore must be desirable to adjourn and meet again, when the subject may undergo a full and ample discussion; for never let it be said that the house assented to so disgraceful a proceeding as treating with contempt the great majority of the Irish nation. I shall therefore move, Sir, "that the house do adjourn till this afternoon."—The question was again loudly called for.

General *Montagu Matthew.*—Sir, I am sorry to find this house so anxious to come to a division on the question. I am also concerned, that, notwithstanding what has been urged by the right hon. gent. who so ably, so eloquently, and so liberally brought forward the claims of the petitioners, the house is determined to meet them with a silent vote. After the very handsome manner in which that right hon. gent. has, on the part of the Catholics, stated their readiness to vest in his majesty the supreme authority of nominating their bishops, I say I should have hoped this house would have gone into a committee. Ireland, however, has nothing to expect from the liberality or justice of the united parliament. [Here lord Castlereagh smiled.] I am sorry to see the noble lord laughing. He has, I assure him, not much cause for his mirth; for there is not an Irish county, town, or borough, that has not rejected him. The Irish people disown him. I should not have said so much of the noble lord, if it had not been for that laugh of scorn which he exhibited. The question, sir, is a serious one, and I do know there are many gentlemen who think differently from the noble lord, and who wish to speak upon the subject, I hope therefore that the house will agree to adjourn the debate.

Mr. *R. Martin.*—I trust the house will yield to the motion of my honourable friend. I know many Irish members would speak, if the debate were adjourned; and they can throw new light upon the subject.

The question being loudly called for, the house divided, when there appeared,

For adjourning the Debate - -	118
Against it - - - - - - - - - - - -	298
Majority against the adjournment ——	180

Strangers were not re-admitted into the gallery, but we understand that, after a speech of some length from col. Hutchinson, in favour of the Petition, the question was again loudly called for, and the house divided upon Mr. Grattan's original motion for referring the Petition to a Committee; when there appeared,

For going into a Committee - -	128
Against it - - - - - - - - - - - - -	281
Majority against the Petition - - ——	153

The other orders of the day were then disposed of, and at six o'clock on Thursday morning the house adjourned.

List of the Minority.

Abercromby, Hon. J.
Althorpe, viscount
Anstruther, sir S.
Bagenal, W.
Barham, J. F.
Bligh, T.
Bradshaw, A. C.
Brand, T.
Browne, A.
Brown, D.
Burton, F. N.
Butler, C. H.
Butler, J.
Byng, G.
Calcraft, J.
Campbell, lord J.
Cavendish, lord G. H.
Cavendish, W.
Cavendish, G. H.
Cocks, E. C.
Combe, H. C.
Creevey, T.
Daly, D. B.
Daly, J.
Dundas, C. L.
Dundas, R. L.
Ebrington, viscount
Elliot, W.
Fitzgerald, W.
Fitzgerald, Lord H.
Fitzpatrick, R.
Foley, T.
Folkestone, viscount
Freemantle, W. H.
French, A.
Gower, earl
Grattan, H.
Greenhill, R.
Greenhough, G. B.
Grenfell, P.
Grenville, T.
Herbert, H. A.
Hibbert, G.
Hippisley, sir J. C.
Horner, F.
Howard, colonel
Howard, W.
Hughes, W. L.
Hume, W. H.
Hurst, R.
Hutchinson, C. H.
Laing, M.
Lambe, W.
Lambton, R. J.
Latouche, J.
Latouche, D.
Latouche, R.
Laurence, F.
Leach, J.
Lloyd, sir E. P.
Lyttleton, W. H.
Macdonald, J.
Maddocks, W. A.
Mahon, S.
Mahon, viscount
Martin, H.
Martin, R.
Mathew, M.
Mawle, W. R.
Meade, colonel
Mills, W.
Milner, sir W.
Milton, viscount
Montgomery, colonel
Moore, P.
Morpeth, viscount
Mosely, sir O.
Mostyn, Sir T.
Neville, R.
Newport, sir J.
North, D.
Nugent, sir G.
O'Brien, sir E.
Odell, W.
Ord, W.
Ossulston, lord
Parnell, H.
Pelham, C. A.
Pelham, G.
Petty, lord H.

Philipps, R. M.
Piggott, sir A.
Ponsonby, rt. hon. G.
Ponsonby, hon. F.
Power, R.
Prittie, F.
Pym, F.
Quin, W. H.
Romilly, sir S.
Russell, lord W.
St. Aubyn, sir J.
Salusbury, sir R.
Savage, F.
Scudamore, R. P.
Sharp, R.
Sheridan, R. B.
Shipley, col.
Smith, G.
Smith, J.
Smith, W.
Somerville, sir M.
Stanley, lord
Stanley, col.
Talbot, col.
Tierney, G.
Walpole, gen.
Ward, J. W.
Warrender, sir G.
Western, C. C.
Whitbread, S.
Wharton, J.
Wilder, col.
Windham. W.
Winnington, sir T. E.
Wynne, sir W. W.
Wynne, C. W. W.

Tellers

Temple, earl
Fitzgerald, M.

HOUSE OF COMMONS.

Thursday, May 26.

[FIFTH MILITARY REPORT — MEDICAL DEPARTMENT OF THE ARMY.] Lord *Folkestone.*—Mr. Speaker; I wish to put a question to the honourable gentleman, a lord of the treasury, opposite to me, and to make one or two observations connected with the object of that question. I came down, sir, to the house this day, with the intention of submitting these observations on the question for the third reading of the bill for renewing the Commission of Military Inquiry; but though I was here before the usual hour of commencing public business, I found that the Bill had been already passed. I therefore trust that the house will indulge me but for a few moments, though I should not be strictly regular in addressing them. The question, which I wish to put to the hon. member is this, Whether it is the intention of the treasury to adopt any measure in consequence of the Fifth Report of the Commissioners of Military Inquiry, respecting the Medical Department of the Army? And if they do mean it, I beg to suggest to them the necessity of caution and mature consideration, and of further inquiry, before they adopt the opinions and suggestions of the Commissioners. For it does happen to be within my knowledge, that, in the Report alluded to, much injustice is done to the exertions of a meritorious servant of the public; and if I do not say much unmerited censure cast upon him, I have no hesitation in saying that much deserved praise is withheld. The person to whom I allude is Mr. Knight, who holds the two offices of Inspector General of Hospitals, and Comptroller General of Hospital Accounts. If gentlemen have read the Report, they will know that the affairs of the Medical Department of the Army were formerly conducted by a board of three medical gentlemen; but that for some years past this board has been abolished, and the different departments of it have been divided between the three gentlemen who composed it. Mr. Knight is one of them. Now, the first thing I wish to remark is, what must strike every person who looks into the Report, namely, the confusion that seems to exist in the minds of the commissioners with respect to the office, which each of these gentlemen has in charge, for censure is often cast upon transactions which are referred to one of them, when it is evident from another part of the Report, that he has nothing at all to do with that part of the business. But in other respects the injustice done to Mr. Knight is still more glaring. In one instance reference is made to a change lately adopted in the army with respect to hospitals; the system of regimental hospitals having been adopted in lieu of the more expensive and less effectual system of general hospitals:—It is not denied, indeed, that the alteration has been beneficial in every point of view, economical to a great degree, and effectual in insuring the better health of the soldier, and in enabling the different regiments to bring into the field a larger proportion of their respective establishment. But what I complain of is this, that the praise is not given to the person who really suggested and brought about this change—I mean Mr. Knight. Nay, in one instance, pains are taken, most unjustly to detract from his merit: the commissioners compute the saving to the public from this source to be about 8000*l.* per annum, from which too they state some drawbacks: whereas it is evident, that in consequence of the system of stoppages and arrangements established by him, the saving is not only what they compute it to be, but also such as to cover such contingent expences formerly defrayed by the public, making on the whole, even on their own data, an annual saving of upwards of 40,000*l.* There are one or two other points in which I think the same injustice has been done to Mr. Knight. The commissioners take great credit to themselves for having detected various abuses in Plymouth hospital; whereas this gentleman had, with great pains and assiduity, laid open all the frauds of that hospital as long as above two years ago, at the desire of the commissioners for auditing the public accounts. He undertook the task, though foreign from the duties of his office, and I have myself seen their letter of thanks to him of the date of the 6th June, 1806, thanking him for the care with which he had done it. Again, with respect to the accounts of Chatham hospital, though he receives no credit for detecting the abuses of Plymouth hospital, a direct censure is cast upon him for not having gone through the Chatham accounts; when in truth those accounts have never to this moment been put into his possession in such a state as to enable him to examine and audit them.—Sir, these are the observations which I wished to make. I thank the house for their indulgence; but I have thought it quite necessary that they should be made, to rescue from unmerited censure a gentleman, who is a most zealous, active, and meritorious servant of the public; who has sacrificed a great portion of his professional advantages in the public service, whose health has been impaired by his labours, and who has, I am sure, always endeavoured, and, I believe, with effect, to perform his duties to the satisfaction of his employers, and to the advantage of the country.

Mr. *Sturges Bourne* stated, that the lords of the treasury had the intention of taking some steps in consequence of the Report alluded to by the noble lord; and that they were already aware of the circumstances to which he had called his attention. They had, accordingly, referred parts of the Report to the War-office for further information; and as they were aware that great injustice would be done to individuals if the opinions of the Commissioners were wholly adopted, the noble lord might be sure due caution would be observed before any steps were taken. He concluded by bearing testimony to Mr. Knight's exertions.

The *Secretary at War* said, that he was fully aware of the advantages which the public had derived from various alterations suggested by Mr. Knight, and adopted under his directions.

Mr. *Freemantle* spoke likewise to the zeal and constant attention to his public duties which had always actuated Mr. Knight. He had known him for many years, and was sure that he was a meritorious servant of the public.—Mr. Vansittart and Mr. Calcraft said a few words.—Mr. Rose gave notice that on Monday he should move for some accounts which would tend to elucidate the Report alluded to; and entirely concurred in what had fallen from the noble lord.

[MR. PALMER'S CLAIM.] Mr. *Bankes* proposed to refer to a Committee the Account presented yesterday, relative to the amount of Mr. Palmer's per-centage on the revenue of the Post-office. His motive in making this reference was, that he feared the return overrated what was to be properly only the per-centage on the net revenue.—After some explanation from Mr. Long and Mr. Rose, Mr. Bankes's motion was agreed to, and a Committee appointed accordingly.

[PETITIONS AGAINST THE ORDERS IN COUNCIL.] Mr. *Tierney* moved the order of the day for proceeding in the examination of witnesses on the Orders in Council.

Lord *Castlereagh* urged the propriety of proceeding to the further consideration of the Local Militia bill; at the same time, he left it entirely to the feelings of the right hon. gent. whether he thought that the business which he had brought forward ought to take the precedence.

Mr. *Rose* stated that some of the witnesses, not expecting to be called upon on this evening, had not attended.—The serjeant at arms having inquired, it was found that no persons were in attendance, and Mr. Tierney having declined to move any new order on the subject,

Mr. *Whitbread* thought that the attendance of those witnesses should be enforced, not so much by way of punishment, as for the sake of example in future.

Lord *H. Petty* supported the motion.

The *Speaker* said, that the house had a right to compel the attendance of any witness, and it was for the house to consider whether their absence was wilful or accidental. If it was wilful, the course would be, to order them into custody; but if it was accidental, it would be for the house to order their attendance on another day.

Mr. *Whitbread* moved, that they be ordered to attend to-morrow.—While the conversation was going on, the Speaker informed the house that the parties were come. The Speaker having left the chair, Mr. Moling was called to the bar, and examined by Mr. Tierney. His answers to the questions put to him being given in rather an indecorous style, he was reprimanded in the course of his examination, and ordered to be more cautious in the language he used in future.—The above witness was examined at considerable length by Messrs. Tierney, Whitbread, Stephen, and Eden. The purport of his testimony went to prove, that the Orders in Council had not been attended with any of the effects he had expected would have resulted from them upon the continental trade; at the same time he persisted in declaring it as his continued opinion, that of such effects they would sooner or later be ultimately productive.—Three more witnesses were examined, after which the house resumed.

HOUSE OF LORDS.

Friday, May 27.

[ROMAN CATHOLIC PETITION.] The order of the day being read for taking into consideration the Petition of the Roman Catholics of Ireland, presented on the 12th of April, the said Petition was read by the clerk; after which,

Lord *Grenville* rose and spoke as follows: My lords; I am now to bring before your lordships the important subject of the Petition which has just been read. I am sincerely sorry if its postponement to a later day than that which I had originally proposed has produced inconvenience to any member of this house, especially to those whose character and functions must give them peculiar interest in this debate, whichever side they may think it their duty to espouse. To their wishes I would gladly have shewn that attention to which they are so well entitled. But, for the sake of the cause entrusted to me, I was bound to consult also the convenience of others whose assistance on such an occasion I could not but be anxious to obtain. I have still, however, to regret the absence of one noble friend of mine (earl Grey), whose eloquence is so well calculated to adorn and to enforce any opinions which he honours with his support. That absence is owing solely to the same domestic circumstance which would before have prevented his attendance. He has particularly requested me to state this fact, and to declare to your lordships his full and complete concurrence in the motion which I am about to offer. A declaration which he was desirous that I should make, in order to obviate the possibility of misrepresentation; but which was wholly unnecessary to those who know his character. From an agreement with him on any subject I must always derive the greatest pleasure; but I have peculiar satisfaction in claiming for this question, in the success of which I have been so long and so deeply interested, the full advantage of his high authority. In other respects the postponement has been extremely advantageous to the discussion of this night. To myself it is a source of unspeakable satisfaction. I know not what may be the feelings of others; no language can express the difference of my own sensations at the present hour, from those with which, only a few days since, I should have brought this subject forward. I allude to the effects already produced by the recent discussion of this matter in another assembly. From that discussion a dawn of better hope has risen upon the advocates of this great cause; and we enter on the duty of the present day with the cheering confidence of approaching to complete success. I speak not merely of the brilliant talents, and dignified moderation, with which the question was introduced; these were anticipated from the person who proposed it. The manner in which the subject was discussed, the statements which its agitation produced, and the impression which has been made upon the public mind, must lead to the most extensive and beneficial consequences. I am confident that the happy influence of that discussion will extend itself to this place, and that we shall all emulate that temper and moderation, that patriotism and wisdom, which are at this hour the theme of every tongue. Those certainly who see no other safety to their country but in conciliation and union, will be peculiarly careful so to speak and act on this memorable occasion, as it becomes men pursuing such a purpose. To myself I trust no fresh incitement was wanting for this determination. Three years ago, the temperate and conciliatory manner in which I then brought before you the same question, was acknowledged even by its warmest opponents. Such was the conduct which I then felt due, not only to my own character and to that of the petitioners, but also to the dignity of the great cause which they had entrusted to me. How much more is it now due to those flattering hopes of approaching success which animate all my exertions, and brighten all the prospects of my country! No sentiment, no word shall fall from me that can impede the happy progress of conciliation: nothing that can revive the memory of past animosities, or inflame those passions which we have, I trust, already consigned to eternal oblivion. There are, I know, among the warmest friends of conciliation, some who disapproved the choice which the petitioners have made of the time at which they come before you. Charged with presenting their Petition, I deemed it improper then to express any opinion on this point. They were the fittest judges of their own interests; and in laying their grievances before you at their own season, they exercised the undoubted right of British subjects. In the first session of the present parliament, I had, in stating to this house the general situation and prospects of the empire, pointed out to the new ministers, as their most urgent duty, the conciliation of the great mass of the people of Ireland. But I added, that while I recommended to the government to meet, and even to anticipate, the reasonable wishes of that body, I wished, on the other hand, to impress upon the Catholics themselves the patriotism and the wisdom of forbearance. This counsel I felt justified in offering as a tried and zealous, though hitherto unsuccessful, advocate of their cause. Of their intention to apply to you in the present session I was not informed until the resolution was adopted; had I been consulted I might probably have thought it for their interest to discourage it: the event has shewn how greatly I should have been mistaken. Yet even then I should have felt some difficulty in determining for others a question of such importance to their interests, and so much depending on local circumstances. Ever since the Union, the best and wisest men of that persuasion have laboured indefatigably to fix the attention of their fellow-subjects steadily on parliament, as the legitimate source of every political benefit, the centre of light and genial warmth which cheers and vivifies the empire. The maintenance of this sentiment is of the highest importance to the public welfare. This it is that requires the frequent renewal of these applications to the united legislature. It is the object of our enemies to drive the Catholic to despair. The endeavour of our friends must be to encourage, by frequent manifestations of the growing dispositions of this country, his just confidence of ultimate and approaching success. Many new circumstances had also arisen to influence this question. Neither the situation of Ireland, nor that of Europe, had remained unchanged during the last twelve months. The rapid revolution of this awful period outrun the slow deliberations of a temporising and timid policy. That measure which was before expedient, is now become necessary for the common safety. Let it not be delayed until it can be no longer useful. All the dangers, which it is calculated to avert, are at this moment impending over us—all the mischiefs which its suspension aggravates—all the evils which its refusal may render irremediable—are fast accumulating upon the British empire. The lines of circumvallation are closing round us. Every port in Europe is barred to our commerce. Every nation armed against our existence. The fearful hour of trial is upon us; requiring all we can command of strength and power, of courage, energy, and virtue. Shall we complain, if in such a moment our fellow-subjects again desire to defend our common country—again entreat that they may partake in our exertions as they must share our danger—and renew their supplication for arms to be used in our cause and theirs, now in the very moment when the trumpet is sounding for the battle? They have also fresh authority to adduce in support of their request—powerful advocates, whose voice till this hour has never yet been raised in their behalf. Long has that unhappy country been distracted by religious animosity. Too much reason had we formerly to fear that conciliation to one class of our countrymen might to others be matter of offence and jealousy. Even in that state no other course was safe, as none was honourable, but that of equal and impartial justice. But this difficulty is now removed. The Protestants of Ireland desire the repeal of those disabilities which still attach upon their Catholic brethren. No longer confining themselves even to a friendly neutrality, they stand forward in behalf of their fellow-subjects, and of their country. In eight or nine counties of Ireland they have testified publicly their anxiety for the success of this Petition. They whose rights these exclusions were supposed to protect, they whose monopoly they were intended to uphold, they come forward now and entreat you to extend to the whole population of your kingdom the inestimable benefit of equal laws. A circumstance of immortal honour to themselves—a pledge, I trust, of lasting union to their country. Under these circumstances, then, of fresh inducement and increased encouragement, with new arguments to your wisdom, with new claims upon your justice, the Petitioners repeat their appeal to this great assembly. And the experience of the last three days has confirmed their anxious hope, that the discussion could be productive only of advantage to the public interests. The motion which I mean to ground upon this Petition is—to refer it, without delay, to a committee of the whole house; not that I have myself any doubt that we ought to comply with it at once, and to its full extent; but because it is above all things desirable that the whole subject should be fully and deliberately investigated. Whenever this great measure shall be adopted, let it not be one of hasty and inconsiderate concession, on which the pressure of the times shall stamp the character of weakness; examine in detail all the bearings of the question; look into the whole situation of Ireland; satisfy your own judgments, both as to what you ought to grant, and at what period the concession should be made. Grant it because you think it just to be claimed and fit to be conceded, not merely because you feel it dangerous to be withheld. Consider also with what measures it ought to be accompanied, what course of policy is necessary to render its benefits effectual, what new safeguards its adoption may require. Far from wishing to endanger your constitution, the Petitioners declare themselves ready to support it at the hazard of their lives. To its security this measure will above all others effectually contribute. But if by any additional suggestions jealousy can be satisfied, and fear allayed; if in doing this great act of justice to the Catholics, you can at the same time gratify and benefit every other description of your subjects; that will indeed be work worthy of statesmen and legislators. These are the enquiries on which I propose that the house should enter. Questions of more extensive policy can never be submitted to your wisdom, nor a wider field opened to you for promoting the public happiness. Do not refuse to yourselves so glorious and necessary a task. Let it not be reproached to you in the history of your country's calamities, that your torpid indifference, or groundless apprehensions, suffered an opportunity to pass away which no repentance could afterwards recall! You have indeed been told that the supporters of this cause exaggerate the effects of a few remaining disqualifications: that we speak of their removal with all the confidence and ignorance of empirics; proposing it as the one marvellous and universal remedy for all the long-continued evils of that country. The reproach, I am confident, is unfounded. Such sentiments we have never entertained or uttered. Very different, at least, are my views of the extent of policy necessary for the peace and union, for the good government and happiness of Ireland. You cannot reasonably expect all these inestimable benefits from a single act of justice. It is much easier to forbear from further injury, than to remedy the mischiefs of past oppression. "The evil that men do lives after them." The consequences of misgovernment will long survive its authors; the effects of religious animosities will extend their influence through many generations. Let us apply ourselves, we cannot do it too soon, to annihilate the last remnants of a destructive system. But that state of your country which has resulted from it, will not so speedily be changed. The feelings of mutual distrust, the remembrance of mutual hostility, all the long-cherished offspring of a whole code and constitution of intolerance, these will yield only to the gradual though certain operation of a wiser and happier policy. Our first resolution should be to comply with this Petition; to remove every remaining civil disability on account of religious belief. This is the looked-for and natural consequence of the union; this is necessary, if not to redeem your plighted faith, at least to satisfy the just expectations which you then created. But this must be a part only of a large and comprehensive system. It was so considered by that great statesman, now no more, (Mr. Pitt) of whom I never think but with the warmest affection, respect, and admiration. Our opinions on this subject were not only in complete unison, but I may truly say they were formed together by mutual communication, and unreserved confidence. The plans which were then in contemplation embraced the whole ecclesiastical state of Ireland; its religious establishments, if such they may be called, in all their various branches. They included, in the first instance, measures of considerable benefit to the established church; calculated to promote both its honour and its advantage, and to render it (if I may use the expression without offence) far more adequate than it now can be to the purposes for which it was provided. A short statement will convince your ldships what ample occasion this matter alone affords for the exercise of your wisdom and liberality. By accounts which have been published, and have not, as far as I know, been disputed, it appears that two thousand four hundred parishes in Ireland are now consolidated into little more than eleven hundred benefices; of which reduced number more than a tenth part are absolutely without churches, and not four hundred have glebe houses. Surely your ldships must see, in such a state of things, better means of assisting the established Church, more satisfactory measures to be taken for the encouragement of the Protestant religion, than by any laws of exclusion or intolerance. Nor had the situation of the Dissenters, by far the most numerous Protestants in that country, been overlooked. Measures were in contemplation for increasing the provision which the wisdom of government had long since granted to their ministers. These measures have, I believe, since that period, been carried into effect; whether wholly or in part, I am not perfectly certain. The state of the Catholic Church in Ireland, administering to the spiritual wants of four millions of your people, had also been an object of deliberate consideration. Much has been said elsewhere of the influence of their bishops; and in a former debate even in this house, great stress was laid on the dangers of a Catholic hierarchy. If you tolerate the Catholic Church, which is episcopal, you must of course allow it to have its bishops. But it is unquestionably proper that the crown should exercise an effectual negative over the appointment of the persons called to execute those functions. To this the Catholics of Ireland declare themselves perfectly willing to accede. The precise mode of giving effect to the principle, will best be settled by the wisdom of parliament. It is fit matter for discussion in such a committee as I propose. The declaration of the Catholics on this subject is an unquestionable proof of their solicitude to meet the kindness of their fellow-subjects, and to accede to any practicable means of removing even the most groundless jealousies. As such, I rejoice that it has been made, and I see with infinite satisfaction the just impression which it has universally produced. To me it is not new. I always felt the propriety of providing for this point. The experience of other countries proved both its expediency and its practicability. It formed a part of the plans intended to be brought forward at the period of the Union; and what we then knew of the sentiments of the Catholics respecting it, left no doubt upon our minds that the matter might be easily and satisfactorily adjusted. Provision was also intended to be made for the decent and necessary subsistence of the Catholic clergy of that country. More than that they did not ask, and even that they were unwilling to receive in any manner that might tend to separate their cause from that of their community. The propriety of this step rests on grounds of policy and reason, which will not, I think, be questioned even by the warmest adversaries of the present motion. Much as we must regret the error of their faith, desirous as we must be that the light of reformation may by the progress of knowledge be diffused over that people, we cannot forget that there is in Ireland a rapidly increasing population of above four millions of Catholics. What legislator, what christian, would wish, either to leave such a people destitute of religious instruction, or to place their teachers in absolute dependance for their bread on the voluntary contribution of the poorest peasants? On this point I believe all are agreed—I mention it only as one of the many measures which call for inquiry and adoption. Many of the most plausible arguments against the petitions of the Catholics are drawn from their objections to the Oath of Supremacy. This matter, also, it is much to be desired that your ldships should consider in detail. It is generally and greatly misapprehended in this country. We are often told that Catholics refuse to acknowledge the same obedience to their sovereign which he receives from all his other subjects. The charge is wholly groundless. They recognize, as you do, in the civil government of their country, all temporal power and authority. Their uniform and repeated declarations, the pledges they have already given, the oaths they have already taken, ought to satisfy you fully on this head. If more security be necessary, let it be exacted; but let your measure apply only to that for which it professes to provide, the authority of your sovereign and the security of your government. The oath, as it now stands, includes a question of spiritual supremacy, foreign to those objects. The church of England itself does not acknowledge any such supremacy in the crown. The king, acting by the councils, and exercising the powers which the laws have given him, is indeed in all matters ecclesiastical or temporal, supreme. But he is so as a civil magistrate only. He is not the spiritual head; he is not, if I may so express it, the pope of the church of England. Such a claim was indeed once maintained by the capricious despotism of a prince whose wildest imaginations it was not always safe to resist. But the wise and virtuous men who laid, after his decease, the true foundations of our church, admitted no such authority in their sovereign. It exists not, therefore, in the church of England. Of the other established church of this united kingdom, the king is not in any sense whatever acknowledged as the head. The same temporal obedience which both these Protestant churches pay to their sovereign, the Catholics acknowledge also. In all matters of civil government, even of that mixed nature in which ecclesiastical and civil jurisdictions are combined, they submit themselves without reserve to the supreme authority of the king, in this parliament as legislator, in other councils as civil governor of this empire. In the spiritual head of their church they acknowledge, as all the subjects of this realm formerly acknowledged, a spiritual authority confined to questions of faith. The reformation has taught us, that for that spiritual authority there is no warrant in the principles of our religion. But this is a question purely of religious belief; in no degree affecting that absolute duty and undivided allegiance, which our Catholic fellow-subjects, in common with ourselves, owe and pay to the person and government of their sovereign. In a committee you may place this matter in its true light, and bring it to the unerring test of experience. With that view it was intended, at the period to which I have so often referred, to submit to parliament, in lieu of the oath of supremacy, framed as we all know for the purpose of exclusion, a new form of oath, calculated to unite, not to divide our people. That oath would have contained an explicit pledge of support to the established constitution, and the most express disclaimer that could be devised, of any interference with his majesty's legitimate and undoubted sovereignty. Whatever words may be most effectual for this purpose, let them be adopted; provide the fullest security that jealousy itself can dictate for that which we are all equally anxious to defend: and let it then be seen whether the Catholics of Ireland are reluctant to concur in such declarations. There is yet another subject, the consideration of which was designed to accompany these important measures. It is not indeed exclusively connected with the situation of the Catholics, but it is an inseparable part of any comprehensive system for the good government and happiness of Ireland. I mean the matter of Tithes; a question as delicate as it is important; and into which, therefore, I will not now enter farther. It was carefully considered at the period of the Union, and was intended then to have been brought forward. It came again under discussion when I had last the honour to serve his majesty; the greatest attention was given to it by the noble duke who at that time represented his maj. in Ireland; and from the result of both deliberations, I am confident much may be done upon it, greatly to the advantage of the church, and of the country. The groundwork of every such proceeding must be laid in an inviolable respect for the sacred rights of property; one of the main pillars of security for all that we enjoy of law or liberty. I have thus enumerated, however imperfectly, the various measures with which the great statesman, of whom I have spoken, always meant to accompany the proposal for the repeal of every civil disqualification which still attaches upon religious belief. Great and important safeguards they were, in my judgment, for the civil and ecclesiastical constitution of the realm: wise and salutary provisions for promoting the interests of religion, for extending the beneficial influence of our reformed and established church, for conciliating the warmest affections of a people whose various interests and feelings were thus consulted, and for insuring (as far as human wisdom can insure it) the success of a system of universal and unreserved benevolence. I know of no other means adequate to such purposes; and the good effects even of these would, as experience has but too plainly shewn, very much depend on the spirit in which such laws should be executed, and the temper in which such a government should be administered. If any farther measures connected with this extensive question, measures either of local or of general advantage, of additional conciliation to Ireland, or of increased security to our civil or religious establishments, were in the contemplation of that wise and good man, I knew them not. I have no doubt that I enjoyed his full confidence on the subject. But if any such intentions were communicated to any other person, let them be stated to parliament with the same explicitness. His name will recommend them to your attention; their own merit, if they were his, will infallibly entitle them to it. What I ask is only that you should enter fully into the discussion of the subject. Let it not be understood that you are determined to leave Ireland in its present state. Against that part alone of the whole population of your empire, let not the doors of parliament be closed, and a barrier established of perpetual and irrevocable distinctions. Whatever be the result of your deliberations, much benefit will be derived from the mere examination of these questions. Many asperities will be softened, many unfounded jealousies allayed. Much uneasiness has been excited by your apparent unwillingness even to look into the situation of that great portion of your fellow-subjects. Great good will therefore be done whenever it is known that you are seriously employed in consulting for their happiness; seeking to reconcile the prejudices of others, and to satisfy your own apprehensions; and at least endeavouring to extend to four millions of British subjects, the full enjoyment of the British constitution. My lords, these are questions which will force themselves upon our thoughts. We are placed in a situation such as no country has ever seen since the commencement of civilization in Europe. So much power has never before been directed by so much inveteracy, against the existence of any state. No people has ever had so much to lose; none has ever been threatened with a greater danger of the loss of all. Every former peril of our own history shrinks into nothing in comparison with the present hour. No confederacy ever formed in Europe possessed so great a force as is now combined against us. We have no recourse as formerly to the support of other powers. Their strength is annihilated, their independence lost, and even their wishes are for the most part alienated from us. We cannot look with any hope to the divisions of our enemies. The whole power of Europe is grasped by a single hand, and directed by a single will; wielded exclusively against this country, and pointed with undivided energy at the sole object of our destruction. In this great and awful crisis, what is proposed to you? Not to despair of your country—God forbid! But to apply yourselves to the best means of its defence. That when we are thus menaced from without, we may at least be united within; that if we hope for no extreme aid, we may not deprive ourselves of any part of our own resources; that if we cannot profit by any divisions of our enemies, we may not ourselves be found, in the hour of trial, a divided people. The magnitude of our real danger the mind of man can scarcely grasp. Do not add to it by visionary alarms. Our enemy is formidable without example. Against him, and not against your own countrymen, call forth the whole strength and energy of the empire.—All may yet be insufficient. But if we then fall, we shall be reverenced even in our defeat; and if we conquer, that triumph will be doubly glorious, which is achieved by the union of a free people. To the exultation of present victory it will add the confidence of permanent security. This is a policy too plain and obvious to be argued. What is there that can prevent its adoption? In some former periods, danger might have been apprehended from the Catholics of Ireland. If king William, against the whole tenor of his life, and in opposition to those principles which constitute the glory of his character, consented to measures of intolerance in Ireland, he had at least the plea of notorious disaffection. In the eyes of every Irish Catholic his government was an usurpation. The same opinion may have operated in a less degree under some of his immediate successors. But does it now exist? The very family is extinguished whose pretensions were opposed to him. If those pretensions could be now revived, does any man believe that one arm would at this day be raised, one voice heard, in their support? The claim is at an end; the danger has ceased; the very circumstances in which it originated are forgotten; and your jealousies alone survive! Has any fresh ground of apprehension since arisen? None is pretended. Are we threatened with any practical inconvenience from these conceptions? No. We hear only of imaginary theories of government, of fixed and immutable principles of our constitution, which must, it seems, for ever withhold its benefits from these Petitioners. Dreadful principles, if such must be their effect!—Hard necessity, which is to raise an eternal barrier against four millions of your subjects! I know of no such principles under any form of government; much less are they compatible with the doctrines of a free constitution. All legislative bodies are bound to accommodate their laws to the sole objects for which their power is given—the safety and happiness of the community. It is their duty to exact no more than those interests require; to leave untouched all that can be enjoyed consistently with them. Times and seasons, the mind and dispositions of men, the state and condition of nations, must regulate the exercise of this authority. The principles of moral justice are alone immutable; the regulations of political society must fluctuate with the chance and changes of human events, with the circumstances of national character, and the objects of civil institutions. But let these fixed and universal principles be examined in detail. What are they? First, that the sovereign of these realms must always be a member of the religion established by law. Where is this principle found? In the Revolution? The Revolution placed upon your throne a sovereign who was not a member of the Church of England. The Revolution, and the two successive Unions, have established under your present sovereign, and in this his united kingdom, two separate Churches of different persuasions. In what manner shall he conform to both; or how shall he fulfil this new obligation, which purports, without warrant of law, and by an impracticable condition, to fetter his conscience? The Act of Settlement provides that the sovereign of these realms shall not be a Catholic; and this provision both the Unions have confirmed. But this is matter of positive enactment, not of general principle. It originated in an occasional, though very imperious necessity. It authorizes no inference beyond the express provision of the law itself. It affords no warrant for the second of these pretended universal principles, which purports to apply the same exclusion to all participation in the legislature, and to all share in the councils of the state. On what ground indeed is this contended? From argument, or from analogy? From the history of other countries, or from our own experience? Is there no difference between the authority of a sovereign, and the duties of his subjects? Is it an eternal maxim, that all persons differing from the religion of the state must necessarily be anxious to overthrow its government? Has such actually been found the consequence of toleration? No sect of Christianity inculcates such a duty. The revelation, on which our common religion rests, expressly commands the contrary. All history disproves the assertion; our own daily experience confutes it; and our conduct in this very case itself, is inconsistent with it. The government of France was not subverted by Sully; her armies were not betrayed by Turenne. Among the very troops with which our great deliverer rescued us from civil and religious tyranny, were bodies of Catholic soldiers and Catholic officers. He trusted them; they justified his good opinion. Such are the effects of just and liberal government, the fruits of confidence in honourable and conscientious minds. We ourselves have two established Churches in this island. Are they labouring to subvert each other? What mutual persecution ever kindled greater animosity than once existed between them! What Christian charity ever exceeded the harmony in which they now live together? What convulsions did their hostility occasion in this country! What miseries did it not produce in Scotland, so long as either endeavoured to force upon the other its own establishments and doctrines! What advantages have not resulted from their Union ever since that wicked project was mutually abandoned! In this respect at least, the principles of the revolution were those of religious conciliation. The revolution did in Scotland much more than we are asked to do in Ireland. It established in the same island with us, that Church which had so long cherished an inveterate hatred to our reformed episcopacy. We have since, by a solemn act of Union, made the same Church a member of our own kingdom. We have received its disciples into both houses of parliament, and admitted them to every civil and military office. They have sat upon the wool-sack; they have filled our chief seats of justice, and all the highest stations of our government; they have led our fleets and armies to victory—with how much benefit and how much glory to the empire! Is it on the Catholic alone that these universal principles attach? Does his belief alone inspire irreconcilable hostility to every government in which his Church is not established? Where then were these eternal truths, when we admitted the Catholics of Ireland to the command of regiments and fortresses; when we opened to them the great mass of the civil offices of their country; and above all, when we imparted to them the elective franchise, and bid them share in the choice of our own legislature? It is too late now to erect your standards of exclusion against a part of the constituent body of parliament, and to treat as aliens the members of your own family. If you consider them as brethren and fellow-citizens, admit them fully to share and to defend your constitution; if as irreconcilable enemies, repeal your past improvident concessions. Their present state is inconsistent with both opinions. I trust we shall not on this day hear again of the exploded calumnies of last year—the very remembrance of which is disgraceful to the times in which we live! We shall not again be told that four millions of our fellow Christians disclaim the obligation of an oath!" that four millions of our fellow-subjects think it lawful to depose and murder their sovereign! That these opinions form a part of their religious creed, are inculcated by pious and enlightened teachers, and received by a whole community, including men of as high birth, as extensive knowledge, as liberal education, and as tried loyalty, as any of your lordships!—You do not believe it. If you did, should we at this day be arguing about their exclusion from a few remaining offices? Should we not rather be considering how to defend against them the very first foundations of our society? How could persons holding such opinions partake even of the lowest functions of government? How indeed could any government whatever be administered to them? To argue such a question farther at this day, would be to insult your understandings. Yet must I not omit, in justice to your fellow-subjects, to remind you how often they have disclaimed these horrid tenets. Grateful for the opportunities you have afforded them, they have subscribed to every test, they have signed every declaration, which you have provided, to vindicate their moral character. Is any man still unsatisfied? Judge them by the testimony of their accusers. Did the authors of these laws believe that the Catholic disregards the sanction of an oath? Are the supporters of this code at this moment sincere in the same opinion? On what security have they rested their whole system of exclusion? Why does not the Catholic peer this day claim at your table his hereditary seat—the commoner avail himself in the other house of the suffrages of his countrymen? What in every other line of life denies to the people of this persuasion every just object of high and laudable ambition? What else but that dreaded sanction of an oath, which conscientious men of every faith are equally afraid to violate? Your laws are therefore nugatory, if the charge be true; how unjust are they, if they themselves are founded on the knowledge of its falsehood! Every part of your present system is indeed equally inconsistent with any belief in these atrocious calumnies. Does the religion of a Catholic teach him that treason and murder may be commanded by any human power? Why then have we trusted them so far? Are such men fit to fill our army and our navy, to hold all but the highest commissions in our service, and to execute almost every civil office? Such monstrous incongruities are unfit even to be discussed in this assembly. Such accusation can serve only to inflame the passions of the lowest and most ignorant of mankind. The very suspicion is an outrage against justice, and the necessity of repelling it, an indignity under which your fellow-subjects ought not to have been placed. Yet many years ago, the Catholics, impatient of such reproaches, have vindicated by the most decisive testimony, both their own profession, and the common religion of Christianity. Not content with testifying their abhorrence of these imputed principles, they produced the solemn declarations of all the most famous Catholic universities. By those learned and religious bodies the detestable doctrines of which I am speaking were unanimously disclaimed. Every foreign Catholic concurred in the same sentiments. They heard of the charges with horror; but with grief and indignation also, that in this liberal country, and enlightened age, such tenets should be imputed to our fellow Christians. What farther testimony could strengthen this disavowal? The confirmation of the Papal see. That also has been had, and the same declarations have been solemnly promulgated from that quarter. What then remains? Of the oath of supremacy I have already spoken at large. All fears of Catholic hierarchy must be at an end, since the offer, now publicly made, of submiting the nomination of the Bishops to an effectual control. The present loyalty of that body is unquestioned; the proposed arrangement secures you against all future danger. The practice of excommunication was objected to. To exclude from their community those who disturb its peace or violate its rules, must be a right incident to the members of every Church suffered to exist under your government. If that Church be Episcopal, the exercise of this right must be subject to Episcopal jurisdiction; if Catholic, it must be regulated by Catholic doctrines. But this principle can justly be applied to spiritual matters only. Have there been attempts to extend it farther? Permit no such interference with the temporal interests of your people. Prohibit it by your law; and if prohibition be found ineffectual, punish it. I am assured that if you go into this committee, and are willing to pursue the inquiry, the most satisfactory defence can be made against the accusations on which so much stress was laid. I have no doubt that those who urged these charges, would find on such investigation how grossly they have been imposed upon. Be this fact however as it may, you can at least provide effectually against such practices in future. No man will be more ready than myself to concur in any reasonable security against every such abuse; thoroughly persuaded that in so doing, I shall not only discharge my own duty, but also gratify the wishes of the Petitioners. These then, thus shortly enumerated, thus easily answered, are all the grounds which are commonly urged for continuing these proscriptions against our fellow-subjects. They are incapable of being supported by argument; at the mere touch of inquiry they vanish into air. Yet if our prejudices are still unsubdued, if our judgment is still unconvinced by reason, let us at least profit by experience. What country in Europe was there but your own, in which Catholics had not, before the late revolutions, enjoyed unlimited toleration? In what country were they found to undermine the government, or to conspire with that powerful enemy always so ready to profit by internal divisions? In Russia, under the Greek Church, the Catholics proved themselves faithful and loyal subjects. In Prussia, under the Protestant establishment, the unqualified toleration of Catholics produced none but the happiest effects. In Holland they were found good citizens; in Swisserland, faithful allies. Even in your own country, and during all the rigours of your past intolerance, the fact is acknowledged in the most solemn proceedings of your government. In 1778, the first act passed in Ireland for the relaxation of the penal laws, was grounded, as its preamble declares, on the long and uniform good conduct of the Catholics. It is for the honour of both parties that the fact should thus be recorded; for the interest of both, that it should always be remembered. It is on the same grounds that I now propose to you not to adopt a new and untried course of measures, but to persevere in that of which we have already experienced the advantage; to repay loyalty by protection, and to deal out kindness in reward for attachment. This is the happier policy which we have pursued for the last 30 years; have we seen reason to repent it? At the commencement of that period, we first invited a depressed and desponding population to share in the blessings of industry: we opened to them the various channels of domestic and foreign commerce; we restored to them that interest in the soil of their country, which the barbarous policy of our ancestors had denied; and we effaced from their statute book, laws, which dishonoured the legislature, and sapped the morals of the people. And surely never were wisdom and liberality more abundantly rewarded. Under the happy influence of this system, one and the same generation has seen Ireland start from poverty, contempt, and weakness, into wealth, consequence, and power. Has she alone enjoyed these benefits, or have they not all been shared with Great Britain; augmenting even in a still greater proportion our own prosperity, and at this hour essentially contributing to our defence? Examine all the resources of the empire: its revenue augmented by her contributions; its wealth, and commerce, and navigation, of which she furnishes so large a part; its naval and military strength, the bulwarks of our common safety, and the glory of our common name. These are the genuine fruits of an enlightened and liberal policy, cultivated by the extirpation of barbarous prejudices, and incapable of being reared to maturity, except by the blessed influence of tolerant principles and equal laws. How satisfactory, how honourable the reflection, that against the dangers of this tremendous crisis we are armed chiefly by the consequences of our own magnanimity! How glorious the contrast between the magnitude of our present efforts, and the more limited exertions, by which, only thirty years ago, we must have met this great necessity, unaided by the prosperity of Ireland! How unanswerable the call of these Petitioners, who urge you to grant to your country, by the completion of this great and necessary work, that additional security, which no period ever more required, which no policy was ever better calculated to insure. You have not hitherto stopped in this honourable career; when you had opened to this people the means of industry, and the sources of opulence, you did not, in the language of the present day, 'take your stand there.' You adapted new benefits to the improved condition of your people. By agriculture and commerce, wealth and influence had been rapidly acquired; with these, civilisation had been extended, and knowledge diffused? and by an inevitable consequence, the enjoyment of these advantages had created an increased attachment to the government which secured them. No longer confined within its former limits, of a gentry debarred from the exercise of every liberal profession, and a depressed and ignorant peasantry; the Catholic population now included all the gradations of a flourishing and free community. In this state you opened to them the sanctuary of civil rights: you judged them worthy to enjoy the benefits and execute the functions of a constitution, which imposes on all its members duties commensurate with the advantages it confers. You sanctioned, by the concessions of 1792, the principles of the present demand. You gave to the Catholics political capacity; you admitted them to civil and military offices, to all but the highest; and you opened to them the elective franchise. Were these concessions meant for the detriment, or for the advantage of the commonwealth? Were they granted to men irreconcileably adverse to your government, bound by no oaths, and restrained by no political or moral duty—or to faithful and loyal subjects, on whose co-operation you justly relied in the hour of danger? Have they been productive of evil? Or if there be any thing to regret; is it not rather that the benevolent intentions of the legislature have, by the more narrow policy of your government, been so imperfectly and inadequately executed? Let us then complete the course in which we have hitherto so well succeeded. Little remains behind for us to grant, though much for them to receive. Feeble indeed is the argument, and circumscribed the wisdom of those, who measure the political effect of these remaining restrictions by the number of the individuals of whose services they actually deprive you. The glory of the prize is not confined to the conqueror; it ennobles the contest, and honours even the unsuccessful competitor. The splendour of high reward diffuses itself over all who may aspire to the same eminence. It is not the pay of the ensign or midshipman, that compensates to the sons and brothers of your ldships for the hardships and dangers of their station. No, it is the hope of treading in the paths of those under whom they serve, of leading in their time our fleets and armies to victory, and of sharing perhaps one day the rewards and honours of a Marlborough or a Nelson. What would their feelings, what would your own be, if against your connections alone these hopes were irrevocably closed? The same principle applies to every walk and every situation of life. The peer degraded from his hereditary rights; the commoner forbid to avail himself of the confidence of his countrymen; the officer limited to subordinate command; the barrister pleading before a bench to which he cannot rise; the very merchant declared unworthy to control his own property, and to administer the affairs of a banking corporation; four millions of people proscribed by law from the legislature and government of their country, debarred from the exercise of those talents which might save the empire, and looking on as men bound and fettered in the midst of a contest which is to decide on their existence. What a picture does this offer of a free community! Can you believe that the feelings of the higher classes only are affected by such a proscription? If it were so, I should still inquire on what principle you dishonour all your most distinguished subjects; what policy has banished from the service of a monarchy all those by whom its institutions are best upheld?—But do not deceive yourselves with this belief. Your exclusions are as odious as they are unjust. The sense of dishonour, and the consequences of distrust, extend themselves to every class. The personal advantages of a more liberal confidence might probably be enjoyed but by few; this is not the light in which the British constitution considers political functions. Open to the emulation of all, and exercised by those who have a common interest with their fellow-subjects, they are a protection and safeguard to the whole community. Limited to particular classes, and withheld by distrust from the great majority of the people, they become instruments of oppression and degradation. Nor is this a matter of reasoning only;

nor are these impressions confined to those who know how to estimate the value and to feel the deprivation of political equality. The influence of such a system extends itself unseen through all the classes of society, and operates on all the transactions of life. It establishes two descriptions of your people: the one trusted, and therefore protected; the other whom your laws stigmatize with disaffection, and whom their fellow-subjects are therefore taught to regard with jealousy. My lords, these feelings must prevail so long as such distinctions are permitted to remain; they result much more from the principle of the exclusion, than from the value, great as it is, of that which is withheld. They operate on those who might never have aspired to the distinctions or honours of the state, but who will daily feel the want of that protection, which nothing can insure to the lower classes of society except a government of equal laws. Whatever be the issue of this discussion, I trust their loyalty will remain unshaken. But do not flatter yourselves that your refusal will not be deeply felt. You are daily calling upon the people of Ireland to make great sacrifices, and for great objects; you are exhorting them to hazard even life itself, in defending their country against invasion, conquest, and slavery. To excite and to uphold this resolution, you must seek to cherish in their minds those feelings which these exclusions are most calculated to wound; you must animate them to the sentiments and the virtues of freemen; you must teach them to value the British constitution; you must give them an equal participation of its benefits. Such, I have already said, will, I am sure, at no distant period, be the wise and fortunate decision of my country. This certainly we have acquired by the course of these discussions, and we hail it as a most auspicious omen for the peace and union, for the safety and glory of the empire. May the completion of these hopes be accelerated! The necessities of the times are urgent; the opportunity is favourable beyond all expectation; God grant that it may so continue until this great work be finally accomplished!—One thing more before I conclude: one reflection I would wish to suggest, not to the respectable persons whose names immediately follow this Petition, to them it is unnecessary; but if my voice could extend itself to the remotest corners of our sister island, I would address myself to all those whose rights I have asserted, and in whose cause my heart is warmed; I would beseech them still to look for the gratification of all their wishes to the united legislature of their country. In that course they will infallibly succeed; no man any longer doubts it. In any other, they will insure to themselves misery and remorse, and to their country the heaviest of calamities. Let them not consider this as the language of prejudice; or as dictated by any interest, however public, yet separate from their own. Let them look at the continental states of Europe, crsuhed into one mass of undistinguishable slavery. What artifices were not used to disunite the people of those unhappy countries! what hopes were not excited, what promises held out of complete relief from every political and every religious grievance! In what single instance have their expectations been fulfilled? Upon disunion, what has followed? conquest. Upon conquest, a tyranny more merciless than language can describe or imagination paint. The cruelty of the oppressors has been exceeded only by their rapacity; the miseries of France herself have been inferior only to those of her deceived and subjugated allies. There is not one among the nations who have sought her friendship, that has not been brought under her iron yoke. There is not one individual that has assisted her views, who does not groan at this very hour under a slavery far more dreadful than that of the most oppressed class in the worst governed country of Europe before this revolution. Religious persecution, commercial ruin, political degradation, these are the instruments of her dominion, and the never-failing consequences of her success. All ranks, all classes, all descriptions of men, have been alike involved in common destruction; the Church with the State, the Cottage with the Palace. Yet all these evils, yet all the miseries that France has felt, or has inflicted, are as a feather in comparison with those which she is endeavouring now to pour down upon Ireland. There the war, if once established by the disunion of Irishmen, must be long protracted; there all the horrors of civil contest would aggravate those of foreign invasion; there the success of France would be more terrible to the deluded victims of her perfidy, even than to her enemies. In Ireland, submission would not disarm her hatred; dominion would not satisfy her ambition; nor could she secure the advantages of conquest, except by the total desolation of the country. Let then the people of Ireland be persuaded, that there is no individual, however low in rank or obscure in station, whose religion and liberty, whose property and life, are not threatened by these designs; none who is not as deeply interested in resisting them, as the most powerful, or the most opulent member of society. Let them be convinced, even those who most complain of these unjust exclusions, that there is one course only by which their civil rights can finally be established, one only by which their present advantages can be preserved. Let it be indelibly impressed upon the mind of Ireland, that it is only by union, by close and intimate union with Great Britain, that she can, in this dreadful convulsion of the world, defend her soil, protect her people, or maintain her independence.—My Lords, I move you, " That this House do immediately resolve itself into a Committee, to consider the Petition of His Majesty's Roman Catholic subjects of Ireland."

The motion having been read from the woolsack,

Viscount *Sidmouth* rose and said, that differing entirely as he did from the noble baron, by whom the motion had been made, he was desirous of submitting the grounds of that difference to their lordships' consideration. That the subject to which it applied was of " the most awful importance, and delicate in the highest degree," he most readily admitted; but he was utterly at a loss to account for the agitation of it at this time. The noble baron had on a former day distinctly declared that he had no share in advising it: by a noble earl (the earl of Moira) it had been deprecated in the strongest terms: both those noble lords were then apprehensive that the cause to which they were friendly, might be prejudiced by a discussion at the present moment: it was, indeed, impossible but that they must be conscious of what was due to the opinion so recently expressed by parliament, and to feelings, the prevalence of which had been still more recently manifested throughout the kingdom. The petitioners had therefore come forward under circumstances, which, in the opinion of some of their most powerful friends, reflected no credit on their prudence: he was, however, apprehensive that they had also subjected themselves to the danger of imputations on their public spirit and patriotism: not that a doubt was entertained by him of the zeal and determination with which those immediately interested in the success of this petition would assist in repelling an invading enemy; but, considering the time of presenting it, and the terms in which it was expressed, it seemed evident that there was a disposition to operate, if possible, upon the fears of those to whom it was addressed. The petitioners appeared to be not unwilling to do themselves some injustice for the sake of their object; and it was accordingly intimated that the ardour and animation at least, with which they might perform their duties at a period of the utmost emergency, might depend, in some degree, upon the fate of their petition. For the honour of those by whom such a condition might seem to be held forth, he could not but question its reality. As well might the soldier refuse to march in the face of the enemy, or the sailor to weigh the anchor, without a previous stipulation for an increase of pay and emolument. It was therefore not to be supposed that the respectable individuals to whom alone the objects of this petition were important, could so discredit themselves, as thus to bargain with their country; it was not to be supposed that, because by their own refusal to take the oath of supremacy, they were debarred from holding the highest situations of judicial, military, and political authority and power, they could lose sight of the unexampled beneficence which they have experienced from their sovereign; and by withholding, or abating their exertions in his support, impair his means of protecting his dominions, and his crown, and the liberties and property of themselves, and their fellow subjects, against the malignant and implacable enemy of every independent state in the world.—Having thus commented on the time and mode of bringing forward this petition, lord S. proceeded to observe upon its object, which, he said, was narrow, selfish, and delusive, inasmuch as it held out the prospect of benefit to the many, without the possibility of advantage, except to a very few. The term emancipation was not indeed to be found in the petition, nor had it been used by the noble baron; but it was still employed as an instrument of deception; and no doubt could be entertained that it had been successful in raising those hopes and expectations, which could alone account for the numerous signatures subjoined to the petition. But, in fact, between its real object, and the condition of the great body of the Catholics of Ireland, there was no relation whatever: they would remain in the same state if the prayer of the petition was complied with: their restlessness and discontent arose from an imperfect state of civilization, and from its concomitants, poverty, ignorance, and bigotry. To them it would afford no relief to enable Roman Catholics to hold the highest situations in the army, the navy, the law, and the state; nor would it even administer to their gratification, as there were few subsisting ties, which connected the higher with the inferior classes of the community, and in such a state of things what could be the inducements to sympathy and attachment? The peasant could take little interest in any accession of honor and emolument to a superior, whom he scarcely knew but by name, and whom he regarded with no other feelings than those inculcated by his priest, the sole object of his respect, and by whom alone he was influenced and controuled. The multitude were therefore deluded and misled by being made use of for the attainment of an object, in which they had no interest, and the accomplishment of which would not have the effect of removing any of the material causes of what was to be deplored in the present state of Ireland. This being the case, it was in vain to pretend that a measure, so limited and partial in its operation, could possibly effect its professed purpose of conciliating and satisfying the great body of Irish Catholics. It might produce present exultation, which would however be followed by lasting disappointment.—But this measure was not only to be the instrument of conciliation, but the reward of loyalty: and yet when this inducement was mentioned it was usually accompanied with a cautionary, if not a menacing intimation with respect to the probable consequences of refusal. Over the past he wished to draw a veil, admitting however that nothing could be more unjust than to attribute to the Catholics, exclusively, the disaffection and turbulence by which Ireland had been convulsed: but in looking to the future, it was not unreasonable to consider how political power, if obtained, was likely to be exercised by those, who, it should seem, were not to be implicitly relied upon for the active performance of their most momentous duties, if it was withheld. He had already said that he neither did nor could suppose that such would be the conduct of the Catholics; but there was evidently a desire to give them the benefit of the apprehension which such intimations were calculated to produce. The objections to such an innovation appeared to him to be strong, and insurmountable.—Religion was the great bond of society: there must therefore be a religion of the state. This was peculiarly necessary in this country, where the reformed religion was an essential part of the constitution, and identified with our limited monarchy: they had always suffered together: puritanism, and democracy overwhelmed both in the time of the Commonwealth; and in that of James 2nd both were endangered by the attempt to introduce popery and arbitrary power. It had therefore been a part of the wise policy of our ancestors to strengthen and protect the ecclesiastical establishment, and with it our civil constitution, by requiring that those persons who held certain offices of trust should give proofs of their fidelity and attachment to the church, as well as to the state. Upon this basis it was that the policy of religious tests was founded; and without a condemnation of the conduct of our ancestors at the periods of the Reformation, and the Revolution, and at the accession of the house of Brunswick, it was impossible to depart from it.—These were his general objections: the special and detailed reasons which led him to resist this motion were, That there was no instance in which Protestants and Papists had agreed in the exercise of political power in the same state:—That the attempt must occasion continual competition, and contentions the most violent; particularly in a country, where, by its constitution, so many situations were elective, and in which the weight of numbers was, with persons of one persuasion, and that of property with those of another:—That it appeared to be highly dangerous to render any persons capable of holding the highest situations of political power, who in the conscientious exercise of it were liable to be directed and controuled by an authority foreign from, and occasionally adverse to, the supreme authority of the state under which they lived:—That the consciences, and conduct of persons of the Roman Catholic persuasion being thus under the influence and guidance of others, they could not possibly be sure of themselves, as was particularly exemplified by James 2d, who upon his accession, declared to his privy council that 'he should make it his endeavour to preserve the government both in church and state, as by law established;' * a declaration soon afterwards repeated in his first speech from the throne; but the disregard of which through the instigation of his religious confessor, cost him his crown. That it behoved those, who favoured this Proposition to consider what use had heretofore been made by Roman Catholics of political power; and particularly to reflect on the manner in which it was exercised in the reign of queen Mary, and by James 2d, and his parliament in Ireland:—That it was the height of absurdity to suppose that this concession (which could not fail, notwithstanding all that had been said by the noble baron to the contrary, to spread terror amongst the Protestants of Ireland) could possibly have the effect of conciliating, and satisfying the Catholics: that for the great body of persons of that persuasion, and particularly for the priests, it would do nothing: it was therefore in vain to expect a contented acquiescence in a measure, founded upon an invidious preference of the higher classes of the laity, and which, by totally neglecting, excluded the clergy from the enjoyment of those emoluments, honors, and dignities, which were deemed to belong, as of right, to what is termed Holy Church, and to be fit and necessary instruments of its influence and power.—These were some of the objections which he felt to the proposition of the noble baron, the practical object of which was to obtain a repeal of the Test and Corporation acts, and to dispense with the Oath of Supremacy, for the purpose of enabling all persons of all sects and religions whatever to fill the highest offices of trust in the united kingdom. All distinctions on account of religion were to be done away: a Catholic was to become capable of keeping the conscience of the king, and of dispensing the preferments of a Protestant Church. But it was in vain to enter into a detail of all the mischief, and absurdities, to which, as it appeared to him, this innovation would necessarily lead. His objection was to the principle of getting rid of all distinctions on account of religion; which objection was strengthened in the present instance by the tenets of the Church of Rome, as detailed in her Canons, all of which were in force, until repealed by the authority of a general council; and still further, by the proofs with which history abounded, that the doctrines and discipline of that Church were hostile to the progress of knowledge, and to the civil and religious liberties of mankind. To him, therefore, it was a subject of astonishment that such an alteration should be countenanced by those who were friendly to the principles of the Revolution; an event, produced, not by feelings of aversion to the Stuart family, but by a dread of arbitrary power, and of a religious communion, which had ever been its handmaid and instrument; and it was not true that the danger was removed because the house of Stuart was extinct: on the contrary, the necessity of precaution continued because the tenets and discipline of the Church of Rome were unchanged.—It appeared therefore to him to be indispensably necessary to adhere firmly to the fundamental principles of the Reformation and Revolution: principles that were not violated, although their application was in some respects suspended, by measures of severity which were adopted under the pressure of a cruel, but, as lord Clare truly stated, an overruling and indispensable necessity, and which during the reign of his present majesty had been gradually and completely done away. Perfect toleration was now enjoyed by all the inhabitants of the united kingdom, and in Ireland there was no other distinction between the Catholic and the Protestant, but that the Act of Supremacy not being wholly repealed, the former, in consequence of his refusal to take the oath which it prescribed, was not qualified to hold the highest situations of judicial, military, and political power.—Much, however, remained to be done for Ireland, and much he trusted would be accomplished by the provident and superintending wisdom of government and of parliament. The evils inherent in her present condition were poverty and ignorance; which could only be obviated by industry and instruction. This was the emancipation which the state of Ireland called for, and without which all other expedients would be fruitless.—A system of education comprehending the children of Protestants and Papists, and the utmost possible encouragement to the Protestant Clergy to reside on their benefices, (for which latter purpose, he was happy to observe that a bill was then on the table) would lay the foundation of a gradual change of habits, and manners, the most

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* See Cobbett's Parliamentary History of England, vol. iv, p. 1342.

favourable to the welfare of individuals, and to the interests of the state.—It was, he was convinced, by such means only as he had last adverted to, that we could hope to approach the object, of which all their lordships must be desirous, namely, that of rendering Ireland a Protestant community. This could never be effected by measures of severity towards the Catholics: persecution had never made a real proselyte. With these measures he should wish to combine a moderate provision, at the charge of the state, for the deserving part of the Roman Catholic Clergy; with a view to the relief of individuals, to whom the expence of contributing to the support of two establishments was burthensome and vexatious, and for the purpose too of convincing the Catholic Clergy, that by peaceable, and becoming conduct, they would entitle themselves to the consideration and favour of the government. On the proposal for a modification of Tythes, he acknowledged that he had not formed his opinion; but he was glad to find that it was a subject to which ministers were turning their serious attention.—Lord Sidmouth concluded, by expressing his conviction, that it was not by such a measure as that now proposed, that Ireland was to be tranquillized; but by a comprehensive system, founded upon a just view of the condition of the great body of the people. The history of the last thirty years had afforded continual proofs of the inefficacy of mere concession. Whenever a measure of that description had been urged, an assurance was given that it would be the last; and yet it was invariably followed by a fresh demand. The prodigal concessions of 1793, it was universally believed, had fully satisfied every possible claim: nevertheless, within the period of the last ten years, there had been two rebellions, the object of which, according to the acknowledgment of those by whom they were excited, and conducted, was not Catholic Emancipation, nor the redress of any alledged grievances; but separation from Great Britain. This unhappy bias could only be changed by correcting the ignorance, promoting the industry, and improving the conditions of the great mass of the people: thereby creating that confidence and sense of security, which by encouraging the residence of the landlord would bring him into habits of communication with his tenants and dependants; and thus establish those links that belong to a well conditioned state of society, and which in this country happily connect the higher with the lower orders of the community. But he objected to the measure now proposed because it did not go to the root of the existing evil; because it did not reach what appeared to him to be the real causes of the present state of Ireland. He also felt himself irresistibly called upon to oppose it by his veneration for those principles which produced the Reformation, and the Revolution, which placed the illustrious house of Brunswick upon the throne, and which must ever constitute the solid security for the civil and religious liberties of the United Kingdom.

The Earl of *Moira* said, that he could not let a moment pass, as soon as he had caught the attention of their lordships, until he had met and combated the opinion of the noble viscount in the outset of his speech, where he had taken upon him to assert, that there was in the petition, or in the manner or the time of its being presented, something that would justify a suspicion of the loyalty or public spirit of the catholics of Ireland. They had come forward in no underhand way, nor had they pressed their claims in any intemperate language. They had, in the most respectful manner, submitted to this house a manly statement of the grievances they laboured under, and asked to be relieved from them. What, then, his noble friend could have seen in that petition, or the circumstances of it, that could have warranted such an imputation, he was totally at a loss to conceive. The noble viscount had further objected, that the prayer of the petition was circumscribed, and related only to few and partial exemptions. He was of a very different opinion. He could not be brought to think, that the disabilities under which the catholics at present laboured, were either few in number, or partial in operation. But the noble viscount was apprehensive, that if even the present claims of the catholics were acceded to, they would not stop here. While that body was excluded from the participation of any of the rights and privileges of a British subject, he not only thought that they would not stop there, but that they ought not. The noble viscount had extolled the constitution, and was it unnatural that those who were so long witnessing its benefits should be anxious to share in it? Was it not an ambition natural to the mind of every Briton? and while the noble viscount poured out such eulogiums on the glorious Revolution, how could he consider it a light and partial evil to be deprived of any of the blessings of which it was the cause? But it was contended, that the prayer, if complied with, tended necessarily to the subversion of the constitution; and this danger was to be illustrated by a most extravagant supposition of a case barely possible and most improbable—the appointment of a Catholic to the office of chancellor. Why, it was certainly true, that the king might, if he pleased, appoint his groom to be his chancellor; but this he imagined, that the royal discretion would be as effectual a preventive against such an appointment as any law of parliament could be. He was as much attached to the church as any noble lord, and he did think, with his noble friend who spoke last, that the church was so rooted in the state, that it was impossible to affect the one without injuring the other; but with respect to the penal code, he could not agree with his noble friend, that the principles which gave rise to that code were the result of religious differences. He had always looked upon them rather as the effect of political precaution. He severely deprecated the language of his noble friend, which, though not intended to be so, might be attended with mischievous effects. The present was not a time to alienate the hearts or damp the spirits of four millions of people willing to share our danger and our fate, and only wishing in return to partake of the common privileges of Britons. The crisis had been represented as an awful one: it was truly so, perhaps not to be paralleled in the history of the civilized world; and in the prevalent indifference, the smoothness of our passage, he feared, was owing to the rapidity of our descent; and at the first fatal shock our fears would be lost in our despair. Therefore he thought we should awake from our lethargy, and apply the remedy before it was too late. An hour should not be lost in acceding to the just, equitable, and unanswerable claims of our Catholic brethren. If it was objected to him, why, such being his sentiments, did he, upon a former occasion, express his regret that the petition had been at the present period introduced; he was ready to answer, that his regret then arose, not from any disapprobation of the prayer of that petition, but because he thought that at the present period there was not only no hope, but on the other hand, a certainty, that their claims would be rejected: and his regret arose from his dread of the exasperation likely to be produced by such rejection; for it was not in the nature of man to be disappointed, and not manfully to feel that disappointment. At the same time he was satisfied, that if the Catholics had seen in his majesty's present government any wish to accommodate, any disposition to conciliate them, they would have waited more patiently; but from the ill judged policy that had so recently been evinced towards that body, they were compelled to appeal to the constitutional organ for a legitimate object. The late government, of which he had been an humble member, had brought in a bill which, if its object had been literally translated into its title, might have been called a bill to prevent 100,000 of his majesty's subjects from joining the French. This bill certainly was not meant to embrace any of the great objects had in view by the Catholics: it was rather meant as a peace-offering, as a forerunner of better times; and might be said to have been sent forth as the dove with the olive-branch, to tell the persecuted catholics that the waters had subsided, and that the rising day would soon restore her original beauties to the face of nature. He was grieved to find that such had been the policy of the present government; nothing to allay, to sooth, or to reconcile, but every thing to incite and exasperate. Why was this? At any time, such conduct would have been impolitic; but, at the present crisis, it was such a union of folly and madness as never had been equalled. When the powers of Europe were wielded against us by one man, the most formidable, and at the same time the most inveterate foe England ever had to cope with, was it immaterial in such a contest, whether the people of Ireland were fired with all their native ardour in our cause, or sunk by our injustice into a listless dejection and a cold-blooded neutrality? With what face could the noble viscount ask the Irish Catholic to brave every danger, to expose himself to the hazards of battle, for the mere purpose of securing to the Englishman what he refused to share with him? The noble viscount could not make so selfish a proposal, and if he did, it would be met with merited indignation. The noble earl concluded with conjuring the house to think well of the claim that was made upon their justice, and to answer it in the manner that best became the interests of the empire.

The Bishop of *Norwich.*—My lords; I rise, for the first time in my life, to address your lordships, and I rise with unaffected reluctance; not because I entertain the smallest doubt respecting either the expediency, the policy, or the justice of the measure now under consideration; but, because, to a person in my situation, it must be exceedingly painful, (however firmly persuaded he may be in his own mind) to find himself impelled by a sense of duty, to maintain an opinion, directly the reverse of which is supported by so many wise and good men who belong to the same profession, and who sit upon the same bench with him. Important occasions however, sometimes arise, on which an individual may be called upon to avow his own sentiments explicitly and unequivocally, without any undue deference to the judgment of others. Such an occasion I conceive the present to be, and shall without further apology trouble your lordships with a few remarks.—I have considered, with all the care and attention of which I am capable, the various arguments which are urged against the Petition in favour of the Catholics of Ireland, which has, this day, for the second time, been presented and supported by the noble baron on the other side of the house, with his usual abilities, and at the same time, with that well known regard for the real interest of the Established Church, for its peace, its security, its honour, and its prosperity, which forms, and has always formed so distinguished a part in the character of that noble lord.—These objections, my lords, numerous as they are said to be, may all of them, I think, be reduced under four heads. In the first place, it is asserted, or rather strongly insinuated, that the religious tenets of the Catholics, are of such a nature as, *per se*, to exclude those who hold them from the civil, and military situations, to which they aspire. It is next said, that if this were not the case, these situations are matters of favour, not of right, and therefore, the Catholics have no just cause to complain that they are excluded from them. In the third place, we are told, that if it were admitted, that the measure were, abstractedly considered, just and right; it would be highly inexpedient to repeal statutes, which were passed with much deliberation; and are considered by many, as the bulwarks of the constitution, in church and state. And, lastly, there are some, who contend, that if there were no other objection, the words of the Coronation Oath present an insuperable bar to the claims of the Catholics. I shall not detain your lordships long in the examination of these objections, because they have been repeatedly discussed, and, as it appears to me, very satisfactorily refuted, by far abler men, both in this house and out of it.—With respect to the religious tenets of the Catholics of the present day, it is not a little singular, my lords, that we will not allow them to know what their own religious tenets really are. We call upon them for their Creed, upon some very important points: and they give it to us without reserve; but, instead of believing what they say, we refer them, with an air of controversial triumph, to the councils of Constance, or Thoulouse, to the fourth Lateran council, or to the council of Trent. In vain they most explicitly, and most solemnly aver, that they hold no tenet whatsoever, incompatible with their duties, either as men, or as subjects, or in any way hurtful to the government under which they live. In vain they publish declaration upon declaration, in all of which they most unequivocally disavow those highly exceptionable tenets which are imputed to them: and not only do they disavow, but they express their abhorrence of them. In vain they confirm these declarations by an oath—an oath, my lords, framed by ourselves, drawn up with all possible care, and caution, and couched in terms as strong as language affords. In addition to these ample securities, for the principles and practice of this numerous and loyal class of our fellow subjects and fellow christians, a great statesman, now unhappily no more, caused to be transmitted a string of very important queries, to the principal Catholic Universities abroad; for the purpose of ascertaining, with precision, the sentiments of the Catholic Clergy, respecting the real nature and extent of the papal power, and some other weighty points. The answers returned to these queries, by those learned bodies, appeared to me at the time, as they do now, perfectly satisfactory, and in the same light they were considered by most dispassionate men. Notwithstanding all this, a concealed jealousy of Catholics still lurks about, by far, too many of us; a jealousy, in my opinion, as unworthy of a frank and enlightened people, as it is injurious and cruel towards those who are the objects of it: for surely, my lords, if there be one position more incontrovertibly true than another, it is this; if an individual, or a body of men, will give to the government under which they live such a security upon oath, as that government itself prescribes;—if, moreover, they maintain no opinions destructive of moral obligation, or subversive of civil society; their speculative opinions of a religious nature, can never, with justice or with reason, be urged as excluding them from civil and military situations. The Catholics, my lords, give this security; and having given it, the legislature itself has declared, that they ought to be considered 'as good and loyal subjects;' as such, therefore, in my view of the subject, they are unquestionably entitled to the privileges which they claim. When I speak of merely speculative opinions of religion, I wish to be understood as meaning such opinions as begin in the understanding, and rest there, and have no practical influence whatsoever upon our conduct in life. With this limitation, I am not sensible that there is any fallacy in the argument which I have made use of; if there be any, I shall be happy to have it pointed out; as I cannot possibly have any motive in view but what from my heart, I believe to be the truth.—Should an unfortunate and deep rooted prejudice prevail so far, as to make us say, decidedly and openly, that we will not believe a Catholic even upon his oath, there is an end, my lords, of the discussion at once; but the argument, if argument it can be called, proves a great deal too much; and for this plain reason: no obligation more binding than that of an appeal to the Supreme Being by an oath, has hitherto been devised in civil society:—he, therefore, who can justly be supposed capable of setting at nought such an obligation, upon any pretence whatsoever, is not only unworthy of the privileges here contended for, but he is unfit for all social intercourse of every kind—*Vetabo sub iisdem sit trabibus.*—Harsh, and horrid, as the expression must sound in your lordships ears, he ought to be exterminated from the face of the earth; or at least he should be banished for life to Botany Bay; and even when arrived there he should be driven back into the sea;—for there is no den of thieves, no gang of robbers, no banditti so thoroughly profligate, and at the same time so devoid of common understanding, as to admit that man a member of their community, upon whose fidelity to his engagements no reliance can be placed even for a single hour.—I come now to the second objection; my answer to which will be very short. Civil and military appointments, are it seems, matters of favour, not of right, and therefore the Catholics have no just cause to complain that they are excluded from them. I can hardly, my lords, conceive any man in earnest who regards this distinction as applicable to the present case, because no one pleads for an abstract right to these situations, but for a capacity of holding them: no one contends for the absolute possession of civil, and military offices, but for equal eligibility to them, and having endeavoured to prove, that all men are equally eligible, who give to the government under which they live, such a security, upon oath, for their conduct as subjects, as that government itself prescribes, and who maintain no opinions destructive of moral obligation or subversive of civil society, I shall only add here, that they are so considered to be, in almost all the governments of Europe and over the whole continent of America: and I should be sorry to see England the last to follow so good an example. 'But it is inexpedient,' we are told, 'to repeal statutes, which 'were passed with much deliberation, and 'are considered by many as the bulwarks 'of the constitution in church and state.' How long, my lords, it may be thought expedient, or necessary, that the remaining part of these restrictive disqualifying statutes should be enforced against the Catholics, or at what precise period their operation shall end, is a question not for a divine, but for statesmen and lawyers to decide. I may, however, be permitted to observe, that under any government, however free, though peculiar circumstances may perhaps call for statutes of a very strict, and even of a very severe nature, for a limited period of time, yet no wise statesman would, I imagine, wish those statutes to remain unrepealed, a moment after the circumstances which occasioned them cease to exist. Those who are acquainted with the history of the statutes here alluded to, and of the times in which they passed, will anticipate my application of this remark; the application of it is, indeed, made for me, by a very eminent lawyer, and a very cordial friend to the Ecclesiastical, as well as to the Civil Constitution of this realm. This able writer observes, more than once, in his Commentaries, that 'whenever the period 'shall arrive, when the power of the Pope 'is weak and insignificant, and there is no 'Pretender to the throne, that then will be 'the time to grant full indulgence to the 'catholics.' That time, my lords, is now come; there is no Pretender to the throne; and with respect to the Papal Power, not a single person present, apprehends, I am thoroughly persuaded, any danger from it;—in truth that once gigantic power—*magni stat nominis umbra*—and nothing more. Where, then, can be the objection to granting the Petition of the Catholics of Ireland? A Petition founded on the immutable principles of reason and of justice; a Petition also which worldly policy loudly calls upon us to accede to in the present very serious crisis—a crisis which demands the union of the wise and brave of every description and of every denomination; that cordial union, I mean, which is most assuredly the best support, and indeed the only secure bulwark of every government upon earth. It is unnecessary to add, that an union of this kind, can be obtained only by confidence and conciliation: but, if worldly policy did not thus loudly call upon us, a principle of gratitude should lead us to pay all the attention in our power to these numerous loyal and respectable petitioners, to whom we are in a great measure indebted, for the noblest monument of wisdom and beneficence combined, which modern times have seen: I mean the union of Ireland with England, an union, which, without their cordial co-operation, could never have been effected.—In reply to these observations, which appear to me to carry some weight with them; there are who maintain, that if there were no other objection the words of the Coronation Oath present an insuperable bar to the claims of the Catholics of Ireland. Of all the arguments, my lords, which either principle or prejudice had suggested, or which imagination has started, there is not one, which appears to me to rest upon so weak a foundation, as that which is built upon the words of the coronation oath. This oath, as your lordships well know, underwent some alteration at the period of the Revolution in 1688, at which period, that great prince, William the third, entered into the following solemn engagement when he ascended the throne of this kingdom:—'I will maintain the laws of 'God, the true profession of the gospel and 'the reformed protestant church establish'ed by law; and I will preserve to the 'bishops and clergy of this realm, and to 'the churches committed to their charge, 'all such rights and privileges, as by law 'do or shall appertain unto them, or to 'any of them.'—If, my lords, even intelligent and honest men, were not sometimes disposed to adopt any mode of reasoning, however weak, which coincides with their preconceived ideas upon a subject, it would be no easy matter to find out upon what principle of fair construction, the words which I have just just repeated from the coronation oath, can be thought to militate against the claims of the Catholics of Ireland. It will not, I trust, be said, for I am sure it cannot be proved, that it is either repugnant to the 'laws of God,' or, to the unconfined and benevolent tendency of the gospel, or to those liberal and enlightened principles upon which the reformation was founded: to admit to situations of honour or of profit in the state, men of talents and of virtue, to whom no objection can possibly be made, but their speculative opinions of merely a religious nature; nor can I conceive in what manner 'the 'rights and privileges of the bishops and 'clergy of this realm, or of the churches 'committed to their charge,' can be affected by granting civil and military appointments to men, cordially devoted to the civil constitution, and who have solemnly declared upon oath, that it is neither their intention, nor their wish, to injure or disturb the ecclesiastical. For my own part, my lords, as an individual clergyman of the church of England, sincerely attached to the established church, and proud of the situation which I hold in it, I should be exceedingly sorry, if I could think for a moment, that I possessed any rights, or privileges, incompatible with the just claims of so many excellent subjects and conscientious fellow christians. Be it however admitted, my lords, that the words of the coronation oath, will bear the construction which has been put upon them, I wish to ask where was the objection drawn from this oath, when, in 1782, so many indulgencies were wisely and justly granted to the catholics of Ireland? Indulgencies precisely of the same kind, though differing in degree, from those which are now petitioned for.—But, I forbear to push this argument any further; various considerations restrain me; and perhaps enough has been said, to prove, that the words of the coronation oath, have been unadvisedly and inconclusively brought forward during the discussion of that important question, which has engaged the attention of the public for more than three years. I will now detain your lordships no longer: indeed, I should not have presumed to intrude so long upon your patience, had I not thought it incumbent upon me to assign the best reasons in my power, for differing so widely from those around me, whose judgment I respect, though I cannot implicitly bow to it, against the clearest conviction of my understanding and the best feelings of my heart.

The Archbishop of *York* could not adopt the opinion of his right reverend friend, for whose understanding and virtues he had the highest respect, nor relinquish the safeguards which our ancestors had found it necessary to establish against the principles of the Popish religion. If this Petition had only sued for toleration the most extended, he would have felt no difficulty in acceding to its prayer: for toleration was the key-stone of the reformed church. But no complaint of this sort had been made. The Catholics enjoyed their rights under the protection of the law, and he was glad of it; but he hoped parliament would always resist their attempts at acquiring political power; because, however temporal and spiritual power might be disjoined in theory, they could not be practically separated. It had been said, that Catholics ought not to be judged now by the sentiments which had been formerly held by people of that persuasion. If any material alteration in their articles of faith had taken place, it became them distinctly to shew it. But it was a well-known rule of that church, that all the canons remained in force that were not repealed by a general council; and, certainly, there were many objectionable points, that by this rule must be still considered as part of the Roman Catholic faith. He allowed that many Catholics had been eminent for virtue and piety. Who could hear the name of Fenelon without veneration? He admitted that men might live together very well in society, notwithstanding differences of opinion on speculative points, but he denied that parliament could be opened to the Catholics as long as they owned a foreign jurisdiction, and maintained that there was no salvation beyond the pale of their own church. Impressed with these sentiments, though he by no means regretted what the Catholics had already obtained, he thought it inconsistent with wisdom and sound policy to break down the remaining barriers.

The Bishop of *Bangor* had no objection to the fullest toleration in every respect; but if the prayer of this petition should be granted, the Catholics would be on a footing with the Protestants, and therefore the word toleration would be totally inapplicable. There were some of the principles of the Catholics that ought to be regarded with peculiar jealousy. He did not mean to say that Catholics had no regard to their oaths; it was impossible that any set of men could exist so totally abandoned as this would imply. But still he contended that their priests might persuade the violation of these oaths. The nobility of France swore allegiance to Henry 4th; and no doubt conscientiously intended to keep their oaths; but many of them, seduced by their priests, abetted the monk Ravillac, who assassinated that excellent prince. He should rejoice to be convinced that the Catholics had abandoned these detestable principles, but he was not disposed to give implicit credit on this point to the foreign universities. He adverted to the tenets of the Catholics as to confession, absolution, excommunication, foreign jurisdiction, &c. and maintained, that notwithstanding the assertions of the Catholics, their notions on these points were still highly exceptionable. He quoted some passages from publications of their own to prove this—such as, subjecting all oaths and every human law to the cardinal virtue of prudence. He ascribed no evil intention to them on this account; probably, like some of the ancient philosophers, they were for referring all virtue to the *utile*, exclusive of the *honestum*. He also adverted to a passage where a great deal of temporal power in fixing the number and extent of parishes and dioceses was ascribed to the Pope. But what principally attracted his attention was, a publication lately ushered into the world, with great solemnity, by the Catholics, called "Ward's *Errata* of the Protestant translation of the Bible," where the English church was charged with falsifying the Scriptures. To this some Queries were subjoined, tending to shew that the church of England was no church at all, and putting it to the wisdom of Englishmen, whether there was any advantage in hiring the clergy of that church at the expence of nearly a million sterling, to lead them in the broad way of perdition? If the Catholics were loyal and patriotic, these good qualities would not be endangered by the refusal of the prayer of this petition, the granting of which could only benefit a few persons.

Lord *Hutchinson* denied that this was a party question, or that any influence had been employed by those with whom he acted, to bring forward this petition, or to aggravate the irritation of the catholic body. The matter was not under their controul; the catholics themselves had judged it proper to bring their claims before parliament, and had first offered the petition to a noble duke at the head of the government. Upon his refusal they had requested his noble friend to present it. What private interest could they have in the agitation of this question? That it had been often urged before, was no reason why it should not be discussed now. The oftener the subject was discussed, the better founded would the catholic claims appear. There were few great constitutional objects gained without repeated discussion and perseverance. The march of truth might be slow, but it always came up, and gained the victory at last. Those, however, who had to contend with prejudice, passion, and narrow views, could not but expect to meet with calumny. The arguments against the claims, drawn from the power of the pope, had been often urged and refuted. The power of the catholic church existed no longer, its imperious head was bowed to the ground, and itself bound in adamantine chains. Yet the opposers of the claims spoke of the power of the church, as if that power had been in its zenith, and as if the pope commanded the world. It was a miserable employment, to be constantly obliged to repeat these refutations. However obnoxious the doctrines ascribed to the Roman-catholic church were, it was evident that if ever they were maintained by the catholics, they now disclaimed them. It had been said, that nothing was more absurd than to surround a protestant king with Roman-catholic officers. Experience, however, had proved that there was no absurdity whatever in this: protestants commanded the armies of Louis 14th; catholics were employed in the Russian government, and the three mandarins that attended lord Macartney in China were of three different sects. Could any one imagine that a man who possessed scope of mind sufficient for the conduct of government, that a general fit to be trusted with the command of an army, should so far forget his honour and his duty as to render his power subservient to any improper practices connected with speculative matters of faith? In the present age, the influence of religious opinions was not so strong. In the dread events that had lately happened, religious notions were not concerned. Great as the mischief had been, the name of religion had not been abused. The ideas which some appeared to entertain of the influence of speculative points of faith were not applicable to the present times. In almost every country except our own, these restrictions were done away. The Roman-catholic church, instead of domineering over others, was scarcely able to sustain itself. The clamour raised about its being subject to one head was now idle and absurd, though a century ago, perhaps, this circumstance might afford reasonable grounds for apprehension. It had been remarked by the opposers of the claims, that a compliance with the prayer of the petition would be contrary to the principles of the revolution. He respected the principles of the revolution, because he had a different view of them: their object was to guard the liberty of the subject, to secure his right, and the stability of the contract between the king and the people; their object was real liberty, and in order to secure that, these restrictions were then imposed; but the occasion for them having ceased, the spirit and principles of the revolution required that they should be abolished. Many of the misfortunes of Ireland had resulted from this impotent attempt at keeping the power in the hands of a few, to the exclusion of the great body of the people from the chance of attaining the higher offices. Miserable and short-sighted politicians! the evil they had done lived after them, and Ireland still smarted under its effects. The general disrespect of the law, the long-continued and deep-rooted discontent in Ireland, must have resulted from as general a cause. His countrymen were extreme in their love and their hatred, their gratitude and their resentment; and hence the distractions that had arisen from an erroneous policy. But, he was told that the peasants would be indifferent to the benefits now claimed; and that even though granted, the effects would not reach them. The odious distinction established by law between the Roman-catholic and the protestant being done away, the former would find his consequence much increased; and many poor people might have access to several little offices, from which they were at present in effect excluded by the stigma under which they laboured. The noble general concluded by a long comment upon the absurdity of excluding the catholics from power upon such futile grounds, while all Europe had coalesced against us; when all governments had become tolerant but our own; when all the power of the people was reduced to nothing; and when our danger had increased in a tenfold degree.

Earl *Stanhope*, in allusion to what had fallen from a right reverend prelate, admitted that a million sterling was a great deal of money to pay annually to him and his brethren. As to the mistranslation of the Bible, the papists were not perhaps far wrong, as far as respected the early versions. The garbled manuscript in the British Museum was a proof of this. The parts improperly translated having been written in a different ink from the true and genuine passages, time had consumed one of the sorts of ink, and the whole imposition was detected. But the bishops were very eager for uniformity: where was that uniformity in the church of England, when the differences in the Common Prayer Books of Cambridge and Oxford amounted to 3,600 and upwards? All the bishops ought to be ashamed of themselves. He begged pardon for saying 'all;' one respectable prelate had made a most logical, sound, and liberal speech on the present occasion, and had been most miserably answered by the priest who spoke last. When the privileges of three millions of people were under consideration, it was scandalous to be reading anonymous libels against them. He should have thought that the noble viscount on the cross bench (Sidmouth) might have been better acquainted with the rule of order, than to accuse the catholics of a want of patriotism, merely because they persisted in claiming what appeared to them to be their due. The noble earl then read a paper published by the English catholics, disclaiming all the mischievous doctrines imputed to them, in which they were joined by the Irish catholics, and concluded by observing, that there could not be a libel urged against them to which that paper was not a complete answer.

Lord *Mulgrave* was satisfied that the discussion of this subject could produce nothing but irritation and mischief. He contrasted the conduct of the noble lords opposite when in power, with their conduct now they were out of power. When in power, they were ready to relinquish even a comparatively insignificant measure to relieve the catholics; now they were out of power, nothing would content them but a full and complete concession. The noble baron who brought forward this motion declared, that this concession was necessary for the salvation of the empire. If he thought so when in office he ought to have declared it; if his opinion had changed, he ought to explain the cause of that change. A great delusion was practised by stating that three millions of people were interested in this question, when in fact not more than three hundred could be actually interested. He wished, however, to be distinctly understood as giving no opinion on the catholic claims; what he meant was, that it was extremely indiscreet to agitate the question when its fate must be anticipated.

The Earl of *Buckinghamshire* opposed the motion, because he was averse to the whole principle of the measure. He had every reason to love the people of Ireland, but he was convinced that a compliance with the prayer of the petition would be so far from tranquillizing that country, that it would have a quite contrary effect. The catholics now wanted seats in parliament; but this was only to be the step to a great deal more. He gave it as his opinion, that if the parliament was opened to the catholics, eighty dissenters from the church of England would be returned for Ireland; and this opinion was founded on the great increase of the catholic freeholders. Adverting to the negative proposed to be allowed to his majesty in the appointment of Roman-catholic bishops, he observed that this was no more than giving a concurrent jurisdiction with Buonaparte, who commanded the pope. The principles of the catholics, he thought, ought to be watched with jealousy. He quoted an observation in the publication of Dr. Milner, in order to shew the spirit which still appeared to prevail among them. This was a remark on the statue of his majesty, or his predecessor, at Cork; which was said to be painted yellow because the king was an orange-man, and sided with a few thousands of his subjects against as many millions. He agreed perfectly with the noble baron who introduced the subject, that it would be wise to make a provision for the catholic clergy. This, and a proper plan of education to enlighten the minds of the people, would be the best boon for Ireland. The granting of the present claims could do little good, and might do a great deal of harm.

The Duke of *Norfolk* supported the motion. Adverting to the power of rejecting their Bishops, which the Catholics were willing to give his majesty, he explained it more fully. They were disposed to lay before his majesty a list of three persons, of whom his majesty was to be at liberty to reject two; the remaining one would be invested with the episcopal dignity; but if his majesty were to reject the whole three, then another list of three distinct persons would be submitted to his consideration, and so on until his majesty should signify his approbation of any individual, by allowing his name to remain. The noble duke said he was somewhat surprised at the manner in which the name of Dr. Milner had been mentioned; he was a gentleman of learning and science, with whose acquaintance he had been some time honoured. The petition was recommended to the house by the signatures of several noblemen, the ancestors of some of whom had been in parliament in times more favourable to their religious tenets, and one of them had been raised to the peerage by his present majesty. He himself respected the established church as much as any man, and if he thought it would be in the smallest degree endangered by the indulgencies sought by the catholics, he should most assuredly oppose the measure; but being convinced that nothing of that kind was to be apprehended, he should support the reference of the petition to a committee.

Lord *Erskine* was of opinion, that parliament had gone on too far in the system of concession to the catholics now to make a stop, consistently with the object which gave rise to that system. He could not conceive the principle upon which the catholics were admitted into the army, the navy, and certain civil departments of the state, while they were to be excluded from those appointments for which the petitioners sought. The house should, he thought, go into the proposed committee, and there it might be considered how far the prayer of the petition might be acceded to, and whether any and what conditions were necessary to accompany the grant of the prayer of the petitioners in order to secure the Protestant establishment, in solicitude for the maintenance of which he would yield to no person or party whatever.

Lord *Hawkesbury* had hoped, from the conduct of the learned lord when this subject was last before parliament, and from his knowledge of the laws and constitution of his country, that he would vote against the motion, and not for it. For his own part, he should fail in his duty if he did not declare most decidedly, that his objection to granting the prayer of the petition did not rest on times and circumstances, but on principle. This opinion was founded on his conviction that a protestant government alone was consistent with the laws and constitution of the British empire. The noble baron by whom the question had been brought forward had said, that it would be no injustice to keep a Roman-catholic from the crown, because no person who could have any pretensions to the crown was a catholic. But such a case might exist: the presumptive heir to the crown might be a catholic, and then his exclusion would be a hardship; but that was not to be set against the safety of the protestant establishment. Our allegiance to the house of Brunswick was paid, not because it was the house of Brunswick alone, but because it was a protestant house. If it was necessary that the king of Great Britain should be a protestant, was it not necessary that his advisers should be so too? that the lord chancellor (the keeper of the king's conscience), the judges, and the great officers of the state, should be protestants? And if this were so, was it not more wise and expedient to exclude catholics from these situations by law, than to throw upon the king the odium of rejecting them? For let the house bear in mind, that the principle of the prayer of the petition went to the attainment of all power, on equal terms with the protestants, a principle which no monarch could venture to apply practically without endangering the constitution. It must be recollected, that the catholics were not at present excluded from places of the highest trust by any direct law. They excluded themselves because they would not take the prescribed tests (prescribed to all the subjects of the empire indifferently); and particularly because they would not take the oath of supremacy, by which they abjured all foreign temporal and ecclesiastical dominion in these realms. The first question therefore was, whether or not this oath was founded in reason and principle? Was it just, as long as the country possessed a protestant government and a protestant establishment, to require that the members of the legislature, and the great officers of the state, should abjure foreign temporal, as well as foreign ecclesiastical, dominion? Consistently with the security of the protestant government and the protestant establishment, it was not possible to dispense with this test. The large proportion of the population of Ireland which the catholics formed, had been stated as a reason for acceding to their request. This question must be viewed in one of two points: if the empire were considered (and in his opinion we were bound so to consider it) as a whole, then in any legislative regulation, parliament ought to be influenced, not by what was the majority of a certain class in a part of the empire, but by what was the majority of that class in the whole empire. On this footing, the claim of the catholics was indefensible; and it was that the two islands might thus be considered as a whole empire, that the Union had been projected. If the other view of the subject were taken, if the majority in a part of the empire were to determine the regulations of the legislature, the consequence would then be, that if the present question were carried, the catholics might go further. They might then say, that as their having a majority in the population of Ireland had been admitted as a ground for their admissibility into the high offices of the state, the same circumstance would entitle them to substitute a catholic for a protestant establishment in that country. This was a question directly affecting every catholic who had an acre of land in Ireland; every man who now paid to the support of two churches, would be very ready to get rid of that burden by the subversion of protestantism, as the established religion of the country. He allowed that no such object was hinted at in the petition, but experience had pronounced decidedly on this subject. Was it not within every man's recollection, that in 1793 and 1794, the catholics of Ireland were called upon to state the whole of their demands? They did state the whole of their demands. They were granted by the Irish parliament, and what followed? Why, that they urged fresh demands. In support of his opinion, with respect to the disposition of the catholics to presume on any indulgence that was granted to them, he read an extract from a work by sir John Throgmorton (a moderate catholic), in which their wish to insinuate a catholic establishment was sufficiently indicated. If, therefore, the legislature of Great Britain were to surrender to the catholics the barrier in question, that surrender would lead to the destruction of the present ecclesiastical establishment in Ireland. The next question to be discussed was the probability, should the prayer of the petition be complied with, that such compliance would benefit the Irish people at large. No one could more lament the disturbances that had recently occurred in the sister kingdom; but, on a close examination, he found that these disturbances had not originated in any political or religious cause. They chiefly arose from a demand made by the catholic priests for an increase of their dues, and from other local grievances, which, although they were severely felt, were still but local. If he was well-founded in this statement, what became of the noble baron's assertion, that a compliance with the petition would allay the general discontent of the Irish? No man could deny that it was desirable to allay that discontent; but he would positively deny that the measure proposed was calculated to do so; on the contrary, he was convinced, that by inciting to new demands, demands which could not be complied with, we should give birth to new causes of discontent. The noble baron had dwelt on the necessity of compliance on account of the great danger to which the country was exposed in the present state of the world. The country certainly was in great danger; but in former periods it had also been in great danger (though perhaps not in such great danger as at this moment, yet in danger so great that the government would not have been justified had they not resorted to every means of defence within their power), yet the government at those periods never sought for assistance by surrendering the barriers of the constitution. In the beginning of the reign of king William, the country was exposed to a great foreign force; the French fleet disputed with the British the dominion of the seas; Ireland was in a most disturbed state; in England there existed a strong party attached to the exiled family. But, amidst all these dangers, did the government think of surrendering the barriers of the constitution? No; they felt that the security of the country depended upon the constitution, and that the security of the constitution depended upon the protestant establishment. By uniting these firmly together, they were enabled successfully to battle with the enemies by whom they were surrounded. In declaring his conviction that the mass of the people of Ireland would not be benefited by the concession which it was proposed to make to them, he was supported by very high authority. Arthur O'Connor, Messrs. M'Nevin and Emmett, had distinctly stated, that they would not. But it was to him most obvious, that those who, under a protestant establishment, were allowed to make and to administer the laws, ought to submit to some test of their determination inviolably to maintain that establishment.

Lord *Holland* did not think it necessary to enter into a discussion of the various polemical points which had been brought forward in the course of the debate. The question for parliament to consider was, what was the state of Ireland, and what the remedy proper to be applied to it in the present exigency? If the good will of four millions of the people was necessary to the safety of Ireland, if Ireland was necessary to the safety of the empire, this measure ought to be acceded to. With the danger of the present day he contended that no preceding period could fairly be compared. The reign of William III. which had been quoted, had no analogy whatever to it, and therefore the existence of the penal laws, at that or any other period that had been mentioned, could present nothing in their justification at this moment. These penal laws were, in his mind, always odious, but peculiarly so at present, when all the pretexts for their original enactment ceased to exist. The noble lord vindicated the book of Dr. Milner against the misrepresentation of it which appeared in the speech of one of the reverend prelates; but he contended that whatever that book, or the book of any other individual, however high in talent or character, might contain that should be reprehensible, could not fairly be alleged as a ground of censure upon the whole sect of which that individual might be a member. He replied to the assertion, that the peasantry of Ireland cared not a farthing about the object for which the higher orders of their persuasion were now seeking. What, he would ask, bound a man to the glory of his country? What made the lower orders rejoice in the honours and achievements of their generals and admirals? What made their hearts beat with exultation at the mere mention of such names as Nelson's? What, but the principle and feeling which must excite pleasure in the Irish peasant's breast, when informed of the advancement and distinction of one of his persuasion and way of thinking. As to the attempt made to identify the Revolution with the abominable code against the catholics, he protested against the identity. He also protested against the Revolution, as being provoked by catholicism, or by the peculiar partiality of James II. to that creed. No; it arose out of his perseverance in urging that dispensing power which his unfortunate father attempted to establish. But the main question to consider on this occasion was this: by whom had any of the riots or commotions, ascribed to the catholics, been excited and directed? Certainly not by catholic generals, admirals, or senators, whatever concern the catholic populace might have in them. Therefore no precedent could be adduced from history to justify any apprehension of danger from such persons as this petition referred to. Indeed, as to history, it would not be the interest of either sect to refer to it, as a great deal of excess might be shewn on both sides. To the assertion of the noble baron (Hawkesbury) that the catholics owed their exclusion to their own conduct in refusing to subscribe to the oaths of supremacy and abjuration, he would shortly reply, by referring to those oaths, and then he would ask any candid man, whether it was possible for any catholic to swear such oaths; to subscribe to tests which absolutely proscribed his own faith: the proposition was mockery. The noble lord concluded with a commentary upon the principles and objects of those with whom the penal laws originated, and pronounced the conduct of the old whigs of the Revolution who sanctioned them, as highly disgraceful.

Lord *Auckland* said that he should state very shortly the motives of his adherence to the opinion which he had expressed so fully on a former occasion. He had even been inclined to give a silent vote; for it did not appear to him that any new circumstances had arisen, or that any new arguments had been adduced to shake or controvert the solemn decision of 1805. Without entering into any details, he felt himself compelled by his sense of public duty to resist any further indulgences to the Roman-catholics of Ireland. From 1778 to 1793 concession had followed concession, and every indulgence had produced a new demand; "Increase of appetite had "grown by what it fed on." Many of those concessions had been wise and just, and he had materially contributed to some of them; but he had always considered the concessions of 1793 as going beyond the line of prudence; and to the effect of those concessions he attributed the embarrassing anomaly in which Ireland was now placed, with reference to the other parts of the united kingdom. The petition now under discussion demanded every thing that had been reserved in 1793; and, in short, a full participation of the official, judicial, and legislative powers of the empire. He could not bring himself to accede to such a claim. He thought it right to resist the theoretical solecism of a protestant king and papist councils, and to maintain the predominance of that mild and reformed religion, which by its principles was incorporated with the system and security of the British constitution. This opinion had been sanctioned by the wisdom of our ancestors in all the measures which immediately preceded and accompanied the Revolution of 1688. The same doctrine had been recognized in the union with Scotland, and through the whole of the eighteenth century, and finally in the fifth article of the union with Ireland. If then it were clear (as he contended) that what is now asked is not a claim of right but matter of indulgence, the decision must rest on expediency; and he could not hesitate to say, that he was not prepared to break down the remaining barriers, under the protection of which we have risen to a state of prosperity, freedom, and pre-eminence, which distinguishes us among the nations of the world, and has made us what we are. Nor did he think it necessary to argue how far the catholics, if they should attain what they now asked, might be disposed to look forwards to the attainment of an acknowledged church establishment, and to the withholding of all support to the exercise of the protestant reformed religion. Under these impressions, he was not disposed to go into a committee on the petition, because he remained in the persuasion that every thing had been done which could reasonably be asked or granted. Nor did he feel himself called upon to say whether under any supposable circumstances, it might not become expedient to give what their lordships would now refuse. From the past conduct of parliament he had the fullest confidence in their wisdom, temper, firmness, and consistency; and greatly would it have been to the credit of many of his countrymen, and of several corporations, if, in the last year, they had preserved the same dignified and conciliatory moderation, of which their parliament had set so eminent an example. But instead of trusting to those on whom it became them to rely, they had converted this great national question into a senseless electioneering cry and clamour; and had done every thing in their power to endanger the whole question, by giving to it a temporary and personal character, under a pretext of exaggerated loyalty and ill-founded alarm. With respect to the mover and supporters of the present question, he gave every credit for the full purity of their motives; he knew them to be as far removed as he could be from any indifference concerning what is called the establishment in church and state; nothing had occurred to lessen his friendship for them, or to shake his attachment to them. But he happened to differ from them on a point in which it is impossible to have any complaisance or compromise, and in which the weight of authority cannot be placed against the weight of self-conviction.

The Earl of *Suffolk* vindicated the character and conduct of the Roman Catholics of Ireland and Great Britain from the aspersions thrown upon them by their enemies, and gave his hearty support to the motion.

Lord *Grenville* made a short reply. The proposition relative to the future appointment of catholic bishops in Ireland was, to his knowledge, long in contemplation, although the catholics had not, until lately, thought proper to make it public. It was a proposition, indeed, known to his right hon. friend now no more (Mr. Pitt), and was one of those guards and conditions with which he meant to accompany the concessions which he proposed to grant to the Catholic body. With regard to the nature of the proposition itself, he should rather think, that instead of presenting the names of three persons to the king, for his majesty to choose one from among them, as had been mentioned, it would be more eligible to present but one name, and if that were rejected, another, and so on in succession until his majesty's approbation should be obtained.—As to the personal animadversions in which some noble lords had thought proper to indulge, he really thought that whatever reflections might be made upon his character, it would have been quite secure upon the question at present before their lords, through his solicitude for which he had twice sacrificed the highest offices in the state.—Upon a division, the numbers were:

Contents - - - - - - - -	74
Non-Contents - - - - - -	161
Majority - - - -	87

List of the Minority.

Dukes of
Norfolk,
Somerset,
Bedford,
Argyle.
Marquises of
Buckingham,
Stafford,
Headfort.
Earls
Derby,
Suffolk,
Essex,
Shaftesbury,
Albemarle,
Jersey,
Oxford & Mortimer,
Cowper,
Stanhope,
Lauderdale,
Wentworth Fitzwilliam,
Spencer,
Glandore,
Fortescue
Conyngham,
Donoughmore,
Rosslyn.
Viscounts
Hereford,
Duncan.
Bishop of
Norwich.
Lords
Say and Sele,
St. John,
Grey De Ruthyn,
Spencer of Wormleighton (marquis of Blandford),
Clifton (e. Darnley)
King,
Ponsonby (earl of Besborough),
Holland,
Hawke,
Hungerford (earl of Moira),
Lords
Somers,
Braybrooke,
Grenville,
Upper Ossory (earl of)
Mendip (v. Clifden)
Dundas,
Cawdor,
Carrington,
Butler (earl of Ormond),
Hutchinson,
Erskine,
Crewe,
Ponsonby of Imokilly.

Proxies.

Dukes of
Grafton,
St. Albans,
Devonshire.
Marquis of
Bute.
Earls
Clanricarde,
Thanet,
Carlisle,
Tankerville,
Guildford,
Hardwicke,
Charlemont,
Orford,
St. Vincent,
Grey.
Viscount
Anson.
Lords
Stawell,
Lucan,
Foley,
Southampton,
Bulkeley,
Fife,
Yarborough,
Glastonbury,
Breadalbane.

[PROTEST AGAINST THE REJECTION OF THE ROMAN CATHOLIC PETITION.] The following Protest was entered upon the Journals:

"Dissentient, 1st, Because we are fully satisfied that the removal of the unmerited and degrading exclusion to which a most numerous and valuable part of the community have been so long subjected, and the imparting to the whole people of this united kingdom all the privileges and duties of the British constitution, would be a measure of unquestionable justice and wisdom.—2d, Because we conceive that this determination would in itself afford the best security for our civil and religious constitution, whilst the proposal of considering the subject in a committee of the whole house, gave an opportunity of establishing, by the wisdom and authority of parliament, and with the cordial concurrence of all parties, such safeguards as must tranquillize the apprehensions of the most fearful, and allay the jealousies of the most suspicious.—3d, Because, although the increased support and diminished resistance which this proposal has now experienced in both houses of parliament, as well as the manner in which it has been discussed on the part of its opponents, encourage us to look with perfect confidence to its approaching and entire accomplishment, yet we are of opinion that by delay many of its happiest effects are endangered; and we are confident that there never was in the history of the world a moment in which a measure, in itself desirable, was more imperiously called for by circumstances of immediate and uncontroulable necessity.—The uniting, by mutual liberality, kindness, and confidence, the hands and hearts of all his majesty's subjects in defence of the invaluable blessings of security, liberty, and national independence, is, at this perilous crisis, the first duty that we owe to ourselves and to our posterity; and it is the only mode by which we can reasonably hope, under the protection of Providence, to maintain these blessings amidst the misery and subjection of so many surrounding nations. (Signed) Spencer, Shaftsbury, Mendip, Jersey, Fortescue, Suffolk and Berks, Nugent, Buckingham, Bedford, Donoughmore, Ponsonby, Rosslyn, Rawdon, (earl of Moira) for the first and second reasons; Ponsonby, of Imokilly, Essex, Hutchinson, Lauderdale, Norfolk, (earl marshal), St. John, Vassal Holland, Grenville, Cowper, Stafford, for the first and second reasons; Spencer of Wormleighton (Marquis of Blandford), Oxford and Mortimer, Wentworth Fitzwilliam, Cawdor, Argyll."

"Dissentient; Because the fitness of yielding to, or resisting, in the whole, or in part, the prayer of the petition, so respectfully submitted to the consideration of the house, depended upon principles so momentous, and details so complicated, as, according to the ancient practice of parliament, should have been referred to the more deliberate consideration of a committee. And because the petition having proceeded spontaneously from the catholics of Ireland, supported by large bodies of their protestant brethren, and sanctioned by that liberal and indulgent policy regarding them which has so remarkably characterised his majesty's reign, it was most especially entitled to our favourable consideration. (Signed) Erskine, Norfolk, (earl marshal), Spencer of Wormleighton."

HOUSE OF COMMONS.

Friday, May 27.

[LIFE ANNUITY PLAN.] On the motion of the Chancellor of the Exchequer, the house resolved itself into a committee on the resolutions of the committee respecting the transfer of 3 per cent. stock for Life Annuities.

Mr. *Tierney* submitted a variety of calculations, tending to shew the inefficacy and inutility of the measure. If ever there was a period, when a man would be disinclined to increase his income at the expence of his capital, it must be at that period when there was a tax upon income, and none upon capital. He objected to the plan particularly, because it interfered with the sinking fund, and with the faith of the country pledged in consequence of that measure; but he did not do so in the abstract; he objected to it because it was a direct infraction of that measure, without being calculated to produce any advantage to the country. He was against any interference with the sinking fund, unless it was to restore it to the state in which it stood previous to the year 1802. In that case the public would begin, in the next year, or in the year following, to feel the advantages of it; but by the present measure this alleviation of the public burthens must be protracted for a number of years. The act stipulated that the commissioners should, from time to time, from year to year, lay out large sums in the purchase of stock. It was no answer to those who had contracted on the faith of these annual purchases, and who might have done so with the view of a speedy sale, to say, 'there is no harm done, in the course of ten years perhaps things will be restored to their proper and ordinary course.' Having once adopted the present measure, it would be in vain to say that the sinking fund was intended to be held sacred; for in agreeing to this proposition the house practised one of the grossest infractions upon it. The right hon. gent. dwelt on the extravagant inducement which this measure held out to a man, probably 70 years of age, to leave his family and relatives destitute, seeing he could thus raise his own income in the proportion of 12 to 3, or instead of 100*l.* could procure for his own life 400*l.* per annum. If, therefore, the right hon. gent. was to carry through the measure, he hoped he would limit the age. But, on the whole, he submitted to the committee, that the present was a measure which ought not to be suddenly gone into.

The *Chancellor of the Exchequer* had no expectation, that the progress of the measure proposed would be very rapid. The present was not a plan which he would have been inclined to propose, as affording resources for the service of the year; but he was convinced, from the information and applications he had already received on the subject, that it would be one of permanent advantage, and of which, though no question of revenue were connected with it, the advantages would be generally and satisfactorily felt. He was convinced there would be applications for liberty to avail themselves of this measure, from sources of which the right hon. gent. had at present no idea. There were persons in the constant habit of taking annuities for themselves and others, to whom this measure would present the means of saving all the original expence of such a contract. Stript as the present measure would be, of every expence of this kind, he was satisfied it would prove an object of public as well as of individual advantage. The right hon. gent. had not said any thing as to the morality of the measure, which was a strong objection to it on a former night; he should not, therefore, enter on this point, but should content himself with observing that there appeared to him to be nothing unusual, or inconsistent with political economy, in allowing persons the opportunity of providing for themselves in this manner. What were Friendly Societies? Were they calculated for the advantage either of the widow or of the children? They surely were not; but by them part of the income was laid aside for the benefit of the person himself, without any regard to his family. The right hon. gent. alluded to the proposal of sir George Saville, which, though not adopted by parliament, was still an authority in favour of such a measure. As to the idea of this being any infraction on the measure of the sinking fund, he admitted that it was so in manner and in words, but not at all in spirit. It would have the effect of taking out of the market a quantity of stock, and of substituting in the place of it what would, by no means, be so marketable a commodity. It would, in fact, give additional effect to the two objects of the sinking fund. By the former operation, the amount of the dividend only would be taken out of the market; by the present measure, the amount of the capital itself would be taken out of it. Thus, not only the redemption of the debt would be secured, but that object would also be effected at an earlier period. Instead, therefore, of being an infraction on the sinking fund, it would add fresh vigour to it.

Lord *H. Petty* said, that the right hon. gent. admitted he expected no great immediate effect from the measure, but that it would be gradual. In this his lordship could hardly agree; for if he at all understood the plan, the right hon. gent. expected the funds to rise; and whenever they did rise to a certain height, the measure was to cease. His lordship thought the plan altogether objectionable, in a political, moral, and financial point of view. He asked, would it be proper, or rather would it not be dangerous in the extreme, if the great bulk of the property of this country were allowed to be thrown into annuities? The right hon. gent. had referred to the case of benefit societies as one in his favour. If he (lord H. Petty), however, had been to select a case on the other side, he did not think he could have hit on one more completely in favour of his argument. In the case of benefit societies, part of the income of a week was converted into a fund for the support of the person during life; thus, a temporary was converted into a more permanent fund. But by the present measure, the permanent was to be converted into the temporary fund. His lordship was decidedly of opinion, that this measure would be prejudicial not to those alone who were induced to try its effect, but also to the public creditor. The right hon. gent. surely did not mean to state that these annuities would not be transferred, and of course would, in a different shape, bring the same quantity of stock again into the market? Did he mean to contend that it might not happen, that, from the casualties of human life, a person who had purchased an annuity might not be obliged to sell it again? Thus, though government might be ready to grant to persons wishing to purchase annuities for their own lives, which must at all times be preferable to those on the lives of others, yet persons would often be found, compelled by some pressure, to sell their annuities to a disadvantage, and purchasers would also be found, tempted by the desire of a profitable bargain.

Mr. *Huskisson* stated, that with respect to the noble lord's plan, it would not be interfered with by this measure, because certainly the Sinking Fund would in ten years be in as good a situation, notwithstanding the operation of this plan, as under that of the noble lord. This plan was not to hold out an inducement, but to afford an opportunity to persons wishing to purchase annuities, to invest their capital in that manner; and it would undoubtedly be a great convenience to many individuals, who might have to bequeath annuities to dependants, to have their lands discharged of such annuities by purchases under the present plan. The hon. gent. then shewed by calculations, that the operation of this plan would accelerate the period of the redemption of the public debt, without producing the inequality in the effect of the sinking fund apprehended by the noble lord.

Mr. *Davies Giddy* thought that the plan now proposed would have the effect of encouraging a greater degree of frugality in the lower classes, by affording them an opportunity of applying their savings, with perfect security, to the increase of their incomes, and that in this point of view the benefit would overbalance any evil which might arise from it.

Mr. *Biddulph* did not think there would be any sound objection to the adoption of this plan; on the contrary, he was friendly to its adoption, because in a free country like this there should be as great a diversity as possible of option afforded to persons wishing to lay out their capital with security; and to show that he was friendly to the adoption, he proposed that the annuities should be rendered more marketable by facilitating the insurance of the lives of the nominees, by taking off the tax upon the policies of insurance upon such lives.—The Resolutions were then agreed to.

[BANK OF IRELAND.] The house went into a committee of ways and means; in which,

Mr. *Foster*, after detailing the history and progress of the Bank of Ireland, stated, that it was proposed that the bank capital should be increased from one million and a half to two millions and a half; the interest on the additional million to be the same as on the present capital; a million and a quarter to be advanced to government for the period of the charter, unless government should upon certain notice think proper to repay it sooner. The Irish bank was also to manage the whole debt of Ireland, free of further expence, whatever addition may be made to it. He therefore moved, That it be the opinion of the committee, that the governor and company of the Bank of Ireland be continued as a corporation till the 1st of Jan. 1837.

Mr. *Tierney* objected to the resolution, on the ground that he disapproved of the principle of borrowing money from the bank whilst the restriction of specie existed, and he thought this a bad money-bargain for the public.

Mr. *Foster* replied, that this million was to be raised by the bank proprietors or from subscribers, and would be *bona fide* an increase of their renewal. The motive of the renewal of the charter was not with a view to any money bargain, but to secure the existence of the company, to discount at five per cent. for the public.

Mr. *Parnell* objected to the renewal of the charter, because it would remove the transactions of the bank out of the controul of parliament.

Mr. *Bankes* stated, that the committee whose report he had had the honour to submit to the house, were of opinion that the benefit to be attached to the paper of the national banks of England and Ireland, by its exclusive credit, was not expedient to be continued longer than the exigency of the times required. It was not fit that the hands of the legislature should be tied up, whether the circumstances of the country were so materially changed as to throw an additional benefit into the hands of the bank or not. He thought that ten, or at most fifteen, years addition, was sufficient to be granted at present.

Mr. *M. Fitzgerald,* in order to give some idea of the benefit that was to be derived from an accredited issue of paper, stated that one banking-house in Ireland set up on the price of a captain's commission in the dragoons, and that they afterwards had a floating capital to the amount of 490,000*l.* Besides, he did not think that the bank of Ireland was entitled to much favour from the legislature, as at the time of the invasion at Bantry-bay, under general Hoche, they refused to advance money to government, and it was by the money of a loyal individual that the army was put in motion.

The *Chancellor of the Exchequer* maintained that the liberality and loyalty of the bank of Ireland had not any the smallest reason to be called in question. The addition was only one million Irish currency; and the security which it gave to individuals, and the benefit to the public by the gratuitous management of its debt, were ample reasons for the renewal of its charter.—The Resolutions were then agreed to.

[SUGAR-DISTILLATION.] On the motion of lord Binning, the report of the committee respecting the use of Sugar in Distilleries was brought up; and the house resolved into a committee for the recommitment of the two first Resolutions. On the first Resolution being read,

Mr. *Coke* repeated his former objections to the measure, and contended that the apprehension of scarcity was unfounded, and had arisen from the conduct of the West Indian merchants, and the discussion of this subject. He denied that the last harvest was short, and stated as a proof of that, that the price of corn was not higher than was necessary to afford a fair profit to the farmer. He contended, that if this measure were to be continued for only two years, there would not be produced the same quantity of bread corn; that the right hon. gent. would be responsible for all the consequences, and would be the first minister to prevent by his measures the poor from being able to procure bread. He should therefore object to the measure in every stage.

Mr. *Hibbert* contended, that it was neither the growers of corn, nor the growers of sugar, that were particularly concerned in this question. The consumers of corn, the manufacturers, and all who wished well to the country, were the persons most concerned; and as the supply which the country had from importation for some years past was now stopped, it was the more necessary to take measures to provide for making up that supply. The agriculture of the country was not adequate to make up for that deficiency, and therefore there could be no reasonable objection to the introduction of some part of it from the West Indies.

Sir *James Hall* said, that great part of what he had to offer on this subject had been anticipated by gentlemen who had already spoken upon it; and in particular, by the chancellor of the exchequer for Ireland, who had delivered doctrines truly refreshing to hear from the bench upon which he sat.—It had been urged by the noble lord who brought forward the measure, that no danger could arise from it, as a precedent. But, in his opinion, it was thus, and thus only, dangerous. As a temporary measure, it was nugatory, and would neither serve the West-Indians nor hurt the farmers at home; for the distillers, in contemplation of the stoppage now proposed, had been of late urging their business with unexampled activity, and were doubly stocked with spirits from grain, which the people of this country are known to prefer; so that there can now be no inducement to add to the quantity of spirits already produced; and the permission to distil from sugar will remain a dead letter, during all the time of its proposed duration; and of course, as a temporary measure, then it will neither do good nor harm.—But that, as a precedent, the measure was highly pernicious, by holding out to the West-Indians the expectation of a similar encouragement in future, and thus inducing them to continue their over-production of sugar: That those gentlemen who had voted for this measure as temporary, whilst they professed their disapprobation of it, if permanent, must either in future act contrary to their conviction of what is right, or will have done a great injury to those whom they intend to serve; since their present vote must tend to encourage that very production, which they are bound, by their present professions, to check on a future occasion: That the whole tendency of the measure is to bestow upon the production of an article of mere luxury, that encouragement which has hitherto been given to the growth of the food of man.

Mr. *W. Smith* was extremely sorry to differ upon this subject from the hon. gent. who began this discussion, with whom he was very much in the habit of agreeing. No man could doubt the existence of partial scarcity. He had documents, received earlier than the discussion of the question, to prove that fact, and which from their strength he did not think proper to read. These accounts he had received from parts of Scotland with which he was connected. The late crop of barley was short, and though there was no scarcity of wheat, there was a scarcity of barley, and an universal scarcity of oats in the country; as might be collected from the price of oats in the market, which was now 49*s.* and 50*s.* He therefore did not object to the resolution before the committee because it went too far, but because it was not likely to produce the good effects that were proposed from its adoption; because, by resorting to the measure at the present time, not a single quarter of corn would be saved for consumption; but some, on the contrary, taken from the consumption, so far as the corn of the present year was concerned. On this ground, he should, if no other gentleman did, move an alteration of the resolution to make it commence much earlier in its operation. He also objected to that part of the resolution which would impose upon ministers the necessity of a positive measure, which might excite alarm in the country, by extending the prohibition after the 1st Oct. if the harvest should not be abundant. He should prefer extending the prohibition to the 1st of Jan. 1st of March, or even the 1st of July, next year, if necessary, leaving to ministers, if the next crop should be abundant, to open the distilleries by proclamation, an act which would give the country universal satisfaction. He would, therefore, give to the West Indians this temporary relief, but he would not give to them the slightest hopes of its being repeated, because he would not suffer the agricultural interests of the country to be permanently invaded. The hon. gent. concluded by moving as an amendment, That the 10th of June should be substituted for the 1st of July as the period when the prohibition of the use of corn in the distilleries should commence. On the question being put,

Mr. *Yorke* condemned the interference of parliament with the agriculture of the country. Great Britain and Ireland must be able to produce sufficient for their consumption, if their agriculture was not to be interfered with by impolitic measures of this description. The shutting of the ports of the continent against us would amount to a bounty on the improvement and extension of agriculture, not only with respect to corn, but the cultivation of hemp. This measure he considered as a dangerous experiment, and agreed with the hon. gent. who spoke last, that no hope should be held out to the West India merchants that this measure should ever again be resorted to. He did not see why a certain sum might not be lent to the West Indies upon adequate security, to enable the proprietors to turn their lands to the production of other articles. He would even prefer, rather than break in upon a grand principle, to grant a sum of money to his majesty to enable him to purchase a quantity of the redundant sugar, for the relief of the West Indian merchants.

Mr. *Davies Giddy* considered it of the highest importance to encourage the agriculture by exportation, consumption in breweries and distilleries, and in every possible mode. He was, however, of opinion, that in times of necessity the legislature had a right to interfere and prevent every other consumption of corn, in order to save it for human food; but whilst he admitted this right, he contended as strongly, that nothing would so legitimately give that right as the deficiency of human food. The reason why he thought that agriculture ought to be encouraged, was because nothing could make a country so truly great as to render it independent, for articles of necessity, of any other nation. He should never, therefore, consent to any interference with the agriculture of the country for any object of external interest.

Mr. *Barham* re-asserted and vindicated some of his former statements, respecting the motives of the opposition to this measure, and argued at considerable length in support of it.

Mr. *Hawkins Browne* argued that some means should be devised for taking off some of the redundant stock of sugar. If the effect of the measure should be to injure the landed interest, no gentleman would consent to it; but the object of the measure was, to prevent the consequences of a scarcity if the next crop should not be a good one.

Sir *John Sebright* could not avoid entering his protest against this measure, and declared, that though he was one of the landed interest, he did not object to this measure on any narrow view, but from the opinion that it was fraught with injury to the agriculture of the country.

Mr. *H. Lascelles* recalled the attention of the committee to the real question before them. The resolution under consideration, was, whether the use of corn in distilleries, from the 1st of July to the 1st of October should be prohibited. During that period the distilleries usually were stopped, so that no injury could be done thereby to the landed interest. He could not see why the measure should not be resorted to, vesting in his majesty's ministers a discretion as to the continuance of the prohibition; because they would be bound to take into their consideration the nature of the harvest and the price of corn, and would be responsible for the exercise of that discretion.

Lord *Binning* agreed to the amendment made by his hon. friend.

Mr. *Portman* enumerated the inconveniences that would be suffered by distillers, if the use of corn were to be prohibited in distilleries on the 1st of July, both in consequence of the corn they had on hand ground, and of the loss they would sustain from the cattle, which were now fed upon grains in warm houses, being exposed to the effect of the open air.

Mr. *Whitbread* wished merely to state the ground of the vote which he meant to give. He should certainly support the amendment of his hon. friend, because he thought, that if any effect at all were to be expected from the measure, it must be by adopting that amendment. But as he was an enemy to the measure in any shape, he should feel himself bound to oppose the Resolution in chief.

Mr. *Coke* declared his intention to follow the example of his hon. friend, and to vote for the amendment, and against the Resolution.—The house then divided: For the Amendment 89; against it 71. Majority 18. After which, the period of the commencement of the prohibition was fixed for the 15th of June for Scotland, and the 20th for Ireland.

HOUSE OF LORDS.

Monday, May 30.

[Roman Catholic Petition.] Viscount *Sidmouth* rose for the purpose of calling their lordships' attention to a question of considerable importance, as it regarded a fair and true statement of what might in the course of discussion be uttered in that house. It was a standing order (although their lordships very properly did not enforce it) that no report should be given of their debates. Yet if their lordships permitted these reports to be given, still it was incumbent upon every person giving such report, that he should do it in a fair, correct, and impartial manner. His lordship thought himself very much misrepresented in having sentiments attributed to him which he abhorred and detested. The misrepresentation he complained of was contained in 'The British Press' newspaper, published last Saturday, giving an account of what passed in debate in their lordships' house on Friday night, during the discussion of the Roman Catholic Petition. In that paper sentiments were imputed to him the very reverse of those he uttered. His lordship here read the passages to which he had already alluded. The one was where it was said he had uttered the following sentiments:—"The grand object of legislative care should be the body of the Irish population, who are in the habit of looking exclusively to their priests, from whom they derive scarcely any information, and whose interest it is to detach them from their allegiance to the country and king. This is at once the cause of their ignorance and disaffection." —Now, he never did utter such sentiments, and he did not wish that profession in Ireland should have it so understood. He would trouble their lordships with quoting another passage, where he was represented to have said—"The Protestant Church must be maintained in all its dignity and privileges, if we expect to make proselytes. Without persecution we should make no Protestants in Ireland, without persecution the Established Church would be overwhelmed." Such sentiments he utterly disavowed and detested; he never did express himself to that effect; but, as their lordships would recollect, he had on that occasion spoken language of an opposite meaning. He had contended, that it was impossible for any church to exist with persecution. Thus far he thought it proper to make this statement to their lordships, before whom he might not be disposed to bring any distinct motion, whatever mode of conduct he might think proper to pursue hereafter in regard to this subject.

[ORDERS IN COUNCIL.] Lord *Auckland* made a few observations on what he conceived to be the tendency of the Orders in Council, as proved by the documents on the table, to injure the trade of the country; it appeared by an Account upon the table, of Exports and Imports for the quarter ending the 5th of Jan. last, that our exports had considerably diminished, compared with those of the corresponding quarter in the preceding year. He thought it highly necessary, that the house should be in possession of the fullest information upon this subject; and for that purpose he should move for an Account of Exports and Imports from and into the port of London, with the duties and drawbacks, distinguishing British manufactures, &c. for four months, up to the 1st of May 1808, and similar accounts for Liverpool, Bristol, Glasgow, Hull, and another port.

Earl *Bathurst* had no objection to the motion, but contended that the Orders in Council ought not to be represented as the cause of the diminution of our trade in the quarter ending the 5th of Jan. as that was effected by orders given in the preceding quarter, which orders were issued in consequence of the rigorous execution of the enemy's decrees against our commerce. It was as a remedy for the latter evil that the Orders in Council were resorted to.

Lord *Grenville* contended that it was clear, from the documents on the table, that our trade had materially diminished; our exports in the quarter ending the 5th of Jan. 1807, being 5,500,000*l.* and in that ending the 5th of Jan. 1808, only 4,170,000*l.* To what other cause could this be imputed, except to the orders in council? and he was convinced that proof upon proof would continually accumulate of the highly injurious effects of these orders. How would the country be enabled to carry on the contest in which we were engaged, if those resources failed which we drew from our commerce? The object of the enemy, therefore, was to injure that commerce by every possible means. Surely, then, it was a most fatal policy for the government of this country to adopt measures which had a direct tendency to depress and diminish that commerce; and which, it appeared, had actually had that effect. With respect to the United States of America also, the policy of the ministers appeared to have an equally injurious tendency. Fortunately, however, the effects of their rashness appeared likely to be counteracted by the rashness of the enemy, whose conduct, it might be reasonably hoped, would tend to throw America into the arms of this country. Every day's experience must more and more convince his majesty's ministers of the ruinous tendency of this measure. With respect to America, understanding that a negociation was now pending, he should abstain at present from asking any explanation upon that subject. His lordship concluded by repeating his conviction of the malignant influence of this measure, and expressing a hope that his majesty's ministers would be induced to act with magnanimity in rescinding these Orders in Council, from a conviction of the necessity of so doing; and in the hope of its speedy accomplishment, his lordship intimated that it was not his intention at present to press the motion upon this subject of which he had given notice previous to the recess.

Lord *Hawkesbury* contended, that the diminution of exports alluded to could not be fairly imputed to the Orders in Council; as there was only one month in the quarter, that of Dec., which was subjected to their operation, and in that month there was no diminution compared with the corresponding month in the preceding year. The diminution, therefore, was to be attributed to other causes, and these were the effects of the decrees of the enemy. With respect to America, he denied that the Orders in Council had any effect in producing the embargo, it being now well known that that measure was resorted to in consequence of the new and more rigorous decrees issued by the French government, and the expectation that retaliatory measures would be adopted by the British government. It could not of course be expected, that he should say any thing respecting the present state of the relations between this country and the United States; but this he was entitled to say, that it was the earnest wish of his majesty's ministers to maintain that friendship and good-will with the United States, which was so beneficial to both countries, and to adopt every measure for that purpose that was consistent with the maintenance of the dearest rights and the best interests of this country.

The Earl of *Lauderdale* maintained, that the Orders in Council were held out as a measure of immediate efficacy, in inducing the enemy to revoke his decrees, and that they had failed in their intended effect.

The *Lord Chancellor* urged, that whenever the question was argued, it ought to be argued in this point of view, namely, what would have been the effect of the enemy's decrees upon our commerce if the Orders in Council had not been issued. It was not enough to say there was a diminution of commerce now; but the question was, what would have been the diminution under the continued operation of the enemy's decrees, if the measure of the Orders in Council had not been resorted to?

Lord *Holland* contended, that the diminution being shewn after the Orders in Council had operated, it lay upon those who supported those orders, to prove that such diminution resulted from some other cause.

Some further conversation ensued, in consequence of the lord chancellor's having stated that the motion had been put and carried an hour and a half ago. Some astonishment was expressed by some noble lords, that the putting the question had not been heard. Earl Stanhope said, that the noble and learned lord had put and carried them in a parenthesis. The lord Chancellor observed, that he had merely said, "ordered," conceiving there was no objection to the motion. Here the conversation dropped; and earl Bathurst moved for Accounts similar to those moved for by lord Auckland, from all the ports of Great Britain, which were ordered.

[INDICTMENT BILL.] On the question for the third reading of this bill,

Earl *Stanhope* thought it ought not to be proceeded upon in so thin a house, and moved to discharge the order.

Lord *Ellenborough*, after having insisted, as he had done on a former occasion, that the principle of the bill was misunderstood and misrepresented, and that he considered the opposition to it no better than a tub thrown out for the purpose of catching popular applause, added, that he could not avoid observing, that he, as chief justice of the king's bench, was entitled to some degree of respect, but he had been grossly calumniated by an individual of that house having compared him to those monsters, who in former reigns had disgraced the bench of justice, such as Scroggs, Jeffries, &c. But he should treat the calumny and the calumniator with contempt. On a former occasion he had been blamed for his taciturnity, for which he would not apologise to that individual, but he would explain the reason to that house.

Earl *Stanhope* disavowed any intention, on his part, to impute the smallest misconduct to the noble and learned lord; he had said, and he had a right to say, that such monsters and villains as Scroggs and Jeffries had filled the office of judge; but it was impossible for him to have found any resemblance between them and the noble and learned lord; and if that noble and learned lord felt any resemblance, it was more than any other noble lord was disposed to do in that house. The rash misconception and precipitancy which had been applied to what had fallen from himself, convinced his mind that it might be improper to delegate the power proposed by that bill even to that noble and learned lord.

The motion for discharging the order was negatived. On the question being put for the third reading of the bill,

The Earl of *Moira* objected to it, observing that the operation of the bill would bear hard upon the poor. A wealthy man, if arrested on a charge of misdemeanor, would find no difficulty in procuring bail, but a poor man might find it impossible; and in that case he would be sent to gaol.

The *Lord Chancellor* observed, that the noble lord's objection was too general, inasmuch as it would apply to the general operation of the law in holding to bail; but the fact was, that reference was always had to a man's circumstances, and the amount of bail regulated accordingly. His lordship shortly detailed the provisions of the bill, respecting which it was for the house to decide.

Lord *Erskine* repeated several of his former objections to the bill, and contended that no necessity had been shewn for making any alteration in the law as established by our ancestors. He particularly objected to that part of the bill which placed the attorney general on a level with a grand jury, and authorized the holding to bail upon information filed *ex officio.*

Lord *Ellenborough* went over some of his former arguments in favour of the bill, and with respect to informations filed by the attorney general, contended, that the reason of the thing required that it should not be merely a notice to the party to run away, but that there should be the means of compelling the party to answer. With respect to the objection, that the attorney general was not compelled to receive affidavits of the facts on which he filed an information, it perhaps might be thought expedient by the court of king's bench not to hold a man to bail on such an information unless it was supported by an affidavit.

Lord *Holland* contended, that no inconvenience had been shewn to have resulted from the present practice which it was at all necessary to remedy. He objected therefore to making an unnecessary alteration in the law. He had a right to suppose in arguing this question, the case of an attorney general being the instrument of a tyrannical government, and then the provisions of this bill might prove highly injurious to the liberty of the subject.

Earl *Stanhope* objected to the bill upon similar grounds. He had expected that the noble and learned lord would have acknowledged the statement respecting the expressions used by him to have been erroneous.

Lord *Ellenborough* still thought that the expressions were improperly applied to him.

Earl *Stanhope* again denied that the expressions were intended to be applied to the noble and learned lord, and objected to any reference to expressions used in a former debate.

After some further conversation, the house divided on the question for the third reading: Contents 13; Non-contents 6. —Majority 7.

HOUSE OF COMMONS.

Monday, May 30.

[IRISH HABEAS CORPUS SUSPENSION.] Mr. Sheridan presented a petition from Mr. James Tandy, wine-merchant, of Dublin, stating that above three years since, without any crime or misconduct whatever on his part, he was suspected by the Irish government of treasonable practices; that he immediately surrendered himself and underwent several successive examinations before the privy council, at which he answered fully and truly every question put to him; that after having been detained three weeks in the custody of a king's messenger, without any cause explained to him, he was committed, under a warrant from the Chief Secretary of the Lord Lieutenant, to the common gaol of Kilmainham, where he was confined for three years, and treated with peculiar harshness and severity; at the end of which period he was liberated without being brought to trial, without being acquainted with the nature of the alledged charge against him, or informed who were his accusers, though he had repeatedly and urgently applied to know the same; that he had suffered severely in health, &c. and praying relief.—The petition was ordered to lie on the table.—Mr. Sheridan afterwards presented other Petitions of a similar nature from Bernard Foy, who had been confined 18 months in the Newgate of Dublin; Thomas Ridgeway, an English merchant, who had been a considerable time confined in Kilmainham gaol; and Henry Hughes, confined in the same prison.

Sir *A. Wellesley* said, he rather believed the government of the country had good grounds for confining those several persons: it was about the period of the last rebellious insurrection which broke out in Dublin.

Mr. *Sheridan* observed, that the mere declaration of the right hon. baronet, that he 'rather believed' the government of the day had good grounds for confining these petitioners, was rather a vague mode of justifying so severe an injury to them as a long and rigorous imprisonment, without assigning any specific charge, and refusing their repeated applications to be brought to trial to confront their accusers. He thought that British subjects ought not to be subjected to such severities, without strong and positive grounds of crimination. However, there were some other petitions to be presented of a similar nature, and as soon as they should all come before the house, he should name a day for submitting a proposition on the subject, when the right hon. Secretary would have an opportunity of explaining himself fully.—The petitions were ordered to lie on the table.

[FIFTH REPORT OF MILITARY INQUIRY.] Mr. Rose, pursuant to his notice, begged to call the attention of the house to that part of the Fifth Report of the Commissioners of Military Inquiry, which seemed to reflect upon the conduct of the Board of Treasury, from the year 1796 to 1799, as if that Board had been, as insinuated in the Report, inattentive to its duty, in controlling the expenditure for the hospital department. The right hon. gent. then shewed, that the Treasury Board had not been negligent of its duty on that head, as would appear from the paper for which he meant to move. He then bore testimony to the merits and integrity of the Apothecary General, who had supplied medicines to the army on more reasonable terms than the Apothecaries Company did to the navy, and concluded by moving, "That there be laid before the house copies of all proceedings of the Lords of the Treasury, between the 1st of Dec. 1796 and the 31st of August 1799, relative to payments made to the Apothecary General for medicines and surgical instruments supplied to the army."—After a few observations from Mr. Yorke, in corroboration of the testimony in favour of the Apothecary General's conduct, and calling on the house to suspend all judgment upon this report till the whole of the case should be before them; the motion was agreed to.

[SMALL POX PREVENTION BILL.] Mr. *Fuller* rose to move for leave to bring in a bill to prevent the spreading of the Small Pox infection. It was not his intention to attempt enforcing the vaccine inoculation. He would leave that open to the operation of its own merits. But with respect to the Small Pox, it was often found that the infection was widely spread from the modern mode of treating that disease; for the patients, instead of being closely confined to their rooms, as was formerly the custom, under the modern practice were ordered to walk abroad, by which means the air of the vicinage was infected, and the disease communicated through whole districts. His object in this bill, then, would be to prevent any persons from opening houses for Small Pox inoculation within less than three miles distance from any great town, village, or assemblage of dwelling houses joined together; and to oblige all such persons to keep their patients within doors during the whole continuance of the disorder; and also where any person shall have caught the infection in any such town, &c. to enable the parish officers, at the parish expence, to remove such person to the distance of three miles, until recovered from the disorder; and where any infected persons shall appear abroad, to enable the parish-officers to enforce their return within doors. He meant also to enforce the observance of this law by penalties, which should be applied to the relief of the persons who, by their means, shall have caught the disease: but such penalties not to be paid until two months after conviction: and then, if no mischief shall have accrued to others from the misconduct of the parties, the magistrates to have a discretion in mitigating the fine. If leave was given to bring in the bill, he meant to have it printed, and to lie over until next session. —Leave was given accordingly.

[BANK OF IRELAND.] Sir *John Newport* rose to bring forward his promised resolution for declaring catholics eligible to fill the high offices of the Bank of Ireland. Of all the restrictions which the penal laws of Ireland had imposed upon the catholics, he commented on the absurdity of enacting that the creed of a Director in a commercial establishment should be a bar to the exertion of his talents in promoting the interests of the concern; or that, in appointing a director, the proprietors of such a concern should be bound, in the first instance, to inquire into his form of worship. Ireland was the only country in Europe where this was the case. But, in the act for establishing the Bank of Ireland, no such restriction appeared; and it was only in the charter made out in consequence of that act, that any idea of religious restriction was introduced. By an act of 1793, the Irish parliament had very much relaxed those restrictions which precluded Irish catholics from holding certain offices, and reduced the number to a very few offices of state. But he believed no man ever imagined the office of a bank director was one from which it was intended to exclude them; on the contrary, he had the assurance of a secretary of state for Ireland, that it was meant the catholics should be admitted to the directorship; and, upon recurring to the act of 1793, he found they were eligible to become members of any law body, corporate or commercial, for they were precluded from none but Trinity college, any bye-law to the contrary notwithstanding. The charter, however, ordered it otherwise; law opinions had been taken on the subject, and the counsel on both sides differed. One was of opinion that the catholics were not precluded; but the other thought, that as the preclusion was by a charter, and not a bye-law, the exclusion was valid. By the Irish bank act of 1781-2, it was forbidden to any company, above the number of six, to form any bank or take a public credit, under a heavy penalty, save the bank of Ireland. But the protestants were compensated for this privation in their eligibility to become bank governors and directors, while to the catholics, thus deprived of their common law rights, no compensation whatever was given. But he should think, that if in any purview of the act it was thought liable to such a construction, it would be the duty of the legislature to restore to the catholic his common law right, or place him on the same commercial footing in this respect with the protestants. He might be asked, why this question was not brought forward sooner? He would answer, the bank charter was not renewed since 1791, and consequently there was no opportunity of bringing it before parliament. There was a period in the history of this country, when a great portion of the people were known to be disaffected to the Hanoverian succession; and it was then the wise policy of the legislature to stimulate those persons to vest their money in the public funds, in order to attach them to the welfare of the state; and if such policy was wise in that case, was it not equally so with respect to the catholics? He knew, from the best authority, that the great body of the bank proprietors were by no means favourable to their exclusion, any more than other liberal men. If a Roman-catholic was possessed of 50,000*l.* property in bank stock, was it not a case of injustice that the proprietors could not avail themselves of his talents and abilities in the management of their concern? The house had now before them no complaints against their admission; they had not before them the petition of protestant corporations praying the continuance of the exclusion, like those which came before the Irish parliament in 1696, from the protestant coal-porters of Dublin, complaining that one Darby Ryan, a catholic coal-dealer, employed coal-porters of his own persuasion, to the great injury of the protestant interest, and praying that he might be obliged to employ protestant porters to carry his commodities; which petition was referred to the committee of grievances. In 1702 a petition was presented from the protestant mayor and aldermen of Limerick, complaining that papists were allowed to dwell amongst them, and follow their trades and callings, much to the injury of the protestant interest, and praying they might be banished from the city, which was accordingly done; and in 1704 a petition was presented to the same parliament from about twenty catholics, who were suffered to reside in Limerick and Galway, praying they might be allowed to retain with them their wives and children, upon their giving security for their good behaviour; but it was rejected. He hoped he was addressing himself to a more just and liberal parliament, and concluded by moving a resolution, "That catholics ought to be considered eligible to become governors, deputy-governors, and directors of the bank of Ireland, if otherwise qualified."

Mr. *Foster* said, the Irish bank was placed on the same footing with the bank of England, and he did not see why a distinction should take place in one country which was not proposed for the other. He deprecated thus bringing forward old oppressions to countenance new innovations. In proposing hereafter a renewal of the charter, he did not intend by any means to heap new burthens on the catholics; he would leave the charter just as it stood at present, and if the catholics found themselves aggrieved, they might petition parliament, which they did not do now. He concluded by moving, that the house should proceed to the other orders of the day.

Mr. *Windham* observed, that as the right hon. gent. said he did not mean to exclude the catholics, he hoped he would support the Resolution. As the old penal laws were repealed, why not repeal this? No one surely could say this was so serious a state matter as to endanger the existence of the constitution or the church.

The *Chancellor of the Exchequer* said, he did not see the utility of altering the law; there was surely no grievance in continuing the same law to Ireland which was in force here. If any alteration was to take place, the time would be when the charter was about to be renewed, and not now to engraft a new bill on the old bill. He did not desire that the new charter should prejudice the Irish catholics; on the contrary, he had no objection to enter a declaratory clause in future, giving the legislature a power of interfering in their defence.

Mr. *Martin* was glad the right hon. gent. had it not in his intention to re-enact the penal code. He thought our ancestors had as good reasons for their severity as we had now for our exclusion, and he was sure posterity would repay us as we repaid those who went before us. The case of Ireland did not apply to this country at all, where the majority were protestants, but in Ireland he would venture to say the principal merchants were catholics.

On the division there appeared: For the amendment 64; Against it 61.—Majority 3.

List of the Minority.

Abercromby, J.
Anstruther, sir J.
Aubrey, sir J.
Bagenal, W.
Barham, J. F.
Bradshaw, A. C.
Brand, T.
Combe, H. C.
Creevey, T.
Dundas, R. L.
Ebrington, viscount
Eden, W. F. E.
Elliot, W.
Estcourt, J. G.
Grattan, H.
Greenough, G. B.
Halsey, J.
Herbert, H. A.
Hippesley, sir J. C.
Horner, F.
Hume, W. Hoare
Kempe, T.
Latouche, R.
Lawrence, F.
Leach, J.
Lefevre, C. Shaw
Lemon, sir W.
Madocks, W. A.
Martin, R.
Maule, W. R.
Milbanke, sir R.
Miller, sir T.
Milton, viscount
Montgomery, C.
Moore, P.
Newport, sir J.
Parnell, H.
Petty, lord Henry
Phillips, R. M.
Piggot, sir A.
Ponsonby, rt. hon. G.
Ponsonby, Hen. G.
Power, Richard
Russell, lord W.
Sharp, R.
Shipley, W.
Smith, W.
Talbot, R. W.
Temple, earl
Templetown, visc.
Thornton, H.
Tierney, G.
Vansittart, G.
Vernon, G. G. V.
Walpole, hon. G.
Ward, hon. J. W.
Warrender, sir G.
Western, C. C.
Whitbread, S.
Windham, W.
Wynne, sir W. W.

Tellers.

C. W. Wynne
J. Calcraft.

[LOCAL MILITIA BILL.] The house then went into a committee on the Local Militia bill. On the reading of the nineteenth clause, allowing volunteers to transfer themselves into local militia,

Mr. *Spencer Stanhope* stated that a person might remove from one district to another where there would be no ballot, and where he could not get into a volunteer corps, they being full. This man being perfectly free, would receive more wages than the other.—Nothing was done on this suggestion.

On the reading of the twentieth clause, providing that an oath shall be taken by every volunteer entering into the local militia, that he had received no bounty except the two guineas allowed by the act, Mr. C. Wynne observed that in this case a strong temptation to perjury existed, and there was every opportunity for evasion; he therefore objected to the oath. He contended that the frequency with which oaths were administered had much diminished their influence on the public mind, especially when they were administered in cases where there was every temptation to perjury.—Mr. Windham, Mr. W. Smith, Mr. Wilberforce, sir S. Romilly, sir T. Turton, and Mr. Stephens, joined with Mr. Wynne, in his representation of the mischievous effects that resulted to the community from the frequency of appointing oaths to be taken in improper cases, ; and declared their conviction of the soundness of the common law principle, which prohibits oaths being taken by persons strongly interested in the cause.—Lord Castlereagh agreed that the oath should be left out, and that the clause should remain with the provision that a declaration to the same purport should be signed by the volunteer, with a penalty of 20*l.* if false.

In the twenty second clause, exempting persons who shall have served four years in the local militia from being liable to serve therein again for four years after, two amendments were proposed. One was, that instead of the term of the exemption for four years, the exemption should be till the turn came by rotation. The other, proposed by lord Milton, was, that one who served four years in the local militia should be for two years, subsequent to the close of that period, exempt from the regular militia ballot. Both were agreed to.

Upon one of the clauses, lord Milton moved as an amendment, that the officers commanding in the local militia should have the same qualification in point of property, with officers of the same rank in the regular militia. Lord Castlereagh having opposed the amendment, the committee divided upon it:

Ayes 31; Noes 107.—Majority 76.

Lord Temple objected to the clause subjecting the Local Militia to martial law, when called out on temporary duty, and proposed, that a court martial should have the power of inflicting upon them any punishment, excepting corporal punishment, which should not be inflicted upon them without the consent of his majesty, conveyed through the lord lieutenant of the county. Lord Castlereagh contended, that it would be improper to have one law for the Regular, and another law for the Local Militia. Lord Temple afterwards moved a clause, providing that no sentence imposing a corporal punishment should be carried into execution, till it had received the approbation of his majesty. The clause was supported by Mr. Windham, Mr. C. W. Wynne, sir G. Warrender, and Mr. Lyttleton; and opposed by sir James Pulteney, the Solicitor General for Scotland, Mr. Ellison, and Mr. R. Dundas. On a division, the numbers were: For the Amendment 14; against it 101.—Majority against the Amendment 87. Several verbal amendments were made in the progress of the bill through the committee. The house resumed, and the Report was brought up, with an understanding that the bill should be recommitted on Friday next, so far as respects the new clauses proposed by lord Castlereagh.

HOUSE OF LORDS.

Tuesday, May 31.

[IRISH CLERGY RESIDENCE BILL.] On the third reading of this bill, an amendment was proposed by the earl of Moira, to save the privileges of the peers, archbishops, and bishops of Ireland, with respect to chaplains; which, after some conversation between his lordship, lord Hawkesbury, Harrowby, and Redesdale, the duke of Norfolk, the lord Chancellor, and the bishop of Limerick, was agreed to with a slight alteration; as was also a clause proposed by lord Harrowby to obtain returns with respect to the residence of the clergy, after a few observations from the archbishop of Cashel, and lords Redesdale and Hawkesbury. The bill was then passed.

[IRISH GLEBE HOUSE BILL.] On the report of the Irish glebe house bill being presented, the duke of Norfolk objected to the amendments made in the committee, on the ground that they might endanger the rejection of the bill in the other house. Lord Redesdale thought the amendments essential. After a few observations from the duke of Norfolk in reply, the house divided on the question for agreeing to the amendments: Contents 6; Not-contents 2. Majority 4.—The bill was then passed.

HOUSE OF COMMONS.

Tuesday, May 31.

[BANK OF IRELAND BILL.] Mr. *Foster* presented a bill for regulating and prolonging the Charter of the Bank of Ireland, and for enabling the governor and company of the said bank to advance a loan of one million and a quarter for the service of his majesty.

Sir *J. Newport* complained of the precipitancy with which this bill was forced upon the house. It was, in his mind, a measure of too much importance to be thus hurried forward; and, for one, he had strong objections to it altogether. First, because he thought it was founded on the worst bargain that ever was made for the public, namely, a loan of a certain sum of money to be advanced by the Irish bank to the government of the country, at 5 per cent. the highest rate of interest which the law allowed them to charge upon discounts on any tradesman's bills in this country. Secondly, because, as the Finance Committee had suggested regulations with respect to the bank of England highly advantageous to the public, he wished them to have an opportunity of considering and recommending similar regulations with respect to the bank of Ireland, before the charter was renewed or prolonged. Overtures had been made to himself, while chancellor of the Irish exchequer, for a renewal of the charter; but he had set his face against it, and the only bonus he could see that the right hon. gent. had obtained for the public by this bargain, was, that the bank agreed to forego any claims they might have had for managing the public debt; but surely the government of Ireland was not at so low an ebb of credit as not to be able to borrow this loan of so large a sum, on better terms than the humblest trader paid for discount of his bills at their counter.

Mr. *Foster* said, that, so far from precipitating this measure without allowing time to consider it, the documents had been on the table of the house above three weeks.—The bill was read the first time.

[CONDUCT OF SIR HOME POPHAM.] Mr. *S. Lushington* (member for Yarmouth) rose and spoke as follows:—Before I proceed, sir, to state the grounds of the motion which I shall shortly have the honour of proposing to the house. I wish in a few words to call to their recollection, those circumstances which originally induced me to bring this transaction to their notice. I am the more anxious to do this, because it has very unfairly been said, that I made a personal attack on the hon. captain without giving him any notice of my intention of so doing. It will be in the recollection of the house that an hon. baronet (sir Francis Burdett) some months since made a motion for an account of the Droits of Admiralty without any previous notice, and the chancellor of the exchequer requested him to postpone it to the following day for the purpose of having time to consider of it. At that time I had not the honour of the slightest personal acquaintance with the hon. baronet, but being apprehensive that the motion, as it was then worded, would not attain his object, I followed him out of the house, and suggested some alterations, which might comprehend the Droits to the Crown as well as the Admiralty Droits, as the former much exceeded the latter in amount, and added, that I myself knew an instance of gross misapplication of that fund. The case of the Etrusco occurred to me, but distrusting the accuracy of my memory, I went the next day to Doctor's Commons for the purpose of ascertaining whether my recollection of the case was correct. On this head I was soon quite satisfied. Being unavoidably delayed till rather late, on my entrance into the house, I found the hon. baronet on his legs making his motion. I immediately inquired of a noble lord (Ossulston) and an hon. gent. near me (Mr. Brand), if sir Home Popham was in the house, as I did not know him by sight. Being answered in the affirmative, I determined to state the case, if any objection should be made to the hon. baronet's motion. To my great surprize the chancellor of the exchequer positively asserted that no instance of the misapplication of these funds had ever taken place. In reply to this statement, I mentioned the leading features of the case of the Etrusco; and, sir, I shall ever consider it my duty to make known to this house every misapplication of public money, which may come within my knowledge; and in this instance I was more particularly called upon by the assertion of the right hon. gent.—It will not be necessary for me to go into any long discussion as to the illegality of the trade in which the hon. captain was engaged, or to dwell upon the circumstances, which induced the legislature to enact such strong provisions against any British subject engaging in a trade to the East Indies without the licence of the East India company. It will be sufficient to observe, that one of the principal objects they had in view, was to protect the East India company against the traffic which was carried on from Ostend, a port which possessed singular advantages for this commerce, because no duties were payable either inwards or outwards. The law therefore not only prohibited British subjects from trading themselves, but also from lending money to any foreigners whatever for the purpose of carrying it on. I say, sir, that when the legislature made these enactments they had Ostend particularly in view.—It may perhaps, sir, be said, that I am reviving a transaction antiquated from the length of time which has elapsed since its commencement. It is true that the origin of the transaction is old, but the end of it is recent; the grant was made in 1805, and though the hon. captain has received 18,000*l.* out of the proceeds, admiral Robinson has not yet been reimbursed his expences. In 1787, the hon. captain, then a lieutenant in the navy, applied to the Admiralty for leave of absence to go to the East Indies, and was at first refused on the ground that the Admiralty could not give him leave to go to the East Indies without consent of the East India Company. These letters are so short, and so clearly explain the origin of this transaction, and prove the hon. captain's knowledge of its illegality, that I shall read them to the house.—Copy of a letter from lieutenant Home Popham to Philip Stephens, esq. Secretary to the Admiralty: 'Dover-street, Feb. '12, 1787.—Sir; Having had the permis'sion of lord Howe to apply for leave of 'absence to go to the East Indies to follow 'my private affairs, I beg you will do me 'the favour to move their lordships to 'grant me two years leave of absence for 'that purpose from the date hereof. I 'have, &c. HOME POPHAM.'—Copy of a letter from P. Stephens, esq. to lieutenant Home Popham.—'Admiralty-office, 19th 'February, 1787.—Sir; In return to your 'letter of the 16th inst. requesting two 'years leave to go to the East Indies to ‘transact some private affairs, I am commanded by my lords commissioners of the admiralty to acquaint you, that they cannot give you leave to go into any of the East India Company's settlements without your first obtaining the company's permission to go thither. I am, &c. P. Stephens.’—Copy of a letter from P. Stephens, esq. to lieut. Home Popham: ‘Admiralty-office, 22nd Feb. 1787.—Sir; Having communicated to my lords commissioners of the admiralty your letter of the 20th inst. [*] informing them, that you have no intention to go to any of the East India company's settlements, your private affairs requiring you at the Danish settlement of Fredericknagore, and requesting two years leave of absence for that purpose; I am commanded by their lordships to acquaint you that they do *not* think fit to give leave to any officers on half-pay to go to the East Indies, unless they are employed in the service of the East India company. I am, &c. Philip Stephens.’—Copy of a letter from P. Stephens, esq. to lieut. Popham: ‘Admiralty-office, 28th March, 1787.—Sir; Having read to my lords commissioners of the Admiralty your letter of [†] yesterday's date, desiring you may be indulged with two years leave *to reside* in the Danish settlement of Fredericknagore, in the East Indies, on your private affairs, upon your relinquishing your half-pay till you return to England; I am to acquaint you that their lordships are pleased to give you two years leave for that purpose upon your relinquishing your half-pay accordingly. I am, &c. P. Stephens.’—One would have supposed, sir, that even a less observing man than the hon. captain, who is by no means deficient in penetration, would have suspected that all this caution on the part of the Admiralty was not entirely without cause. One would have thought that it must have occurred to him, that there was something illegal, something not quite correct in the traffic, in which he proposed to engage. But I have no occasion to have recourse to reasoning or supposition; I will prove that the hon. captain was perfectly aware of the illegality of this trade, though he has thought proper in his Memorial to assert his ignorance of it. The hon. captain, having obtained this leave, immediately went to Ostend, where he entered into a commercial connection with the house of Charnock and Co. a house of all others the most notorious for smuggling and illicit trade. It was this house that used to fit out cutters, which contended even with British vessels, and it is recollected in the navy how obstinately the British Lion, a cutter fitted out by Messrs. Charnock, defended herself against the Hyæna, commanded by admiral, then captain Thornborough. From this port of Ostend, the hon. captain sailed in the Ville de Vienne, a vessel of from 400 to 500 tons burthen, under Imperial colours; and would it be believed went first to Bombay, and afterwards to almost every other settlement of the East India company, though his leave of absence was obtained *to reside* at Fredericknagore. In 1789 we find him at Calcutta, engaged in illicit traffic: of this there can be no doubt, because the record from the Court of King's Bench is on the table, and the hon. captain has actually pleaded the illegality of the trade to prevent paying a debt contracted there; so far therefore he has acknowledged himself guilty. In 1790, a second voyage in the same ship was meditated, and on this voyage he sailed without asking any leave of the Admiralty at all. The precautions used on this occasion will prove past doubt his knowledge of the illegality of the trade. In the first place the character of the vessel was changed from Imperial to Tuscan, and the manner in which this was done is not be passed by. If gentlemen will turn to the 100th page of the papers, they will see a most curious agreement between Messrs. Valle and Borghini, of Leghorn, and sir Home Popham: ‘By this present, though *private charter party*, which the parties agree to be of full force and vigour, as an agreement made by a Notary Public in due form, it is agreed to procure papers which Mr. Popham will make use to *cover* a ship to undertake the voyage to the East Indies and back to Leghorn.’ Again, ‘Notwithstanding the said ship is to be navigated *in appearance*, on account of the said Valle and Borghini, it is however covenanted and agreed, that every profit, loss and event of the said ship, her navigation, freight, &c. is and shall be on account and risk of the said Mr. Popham.’ And in page 101, ‘Mr. Hornbeck, who is to be deputed as be-

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[*] Here there is a memorandum in the papers that this letter from lieut. Popham could not be found in the Admiralty.

[†] Here is a memorandum that this letter also could not be found.

'fore-mentioned procurator to the said 'effects of Messrs. Valle and Borghini, 'shall sign the present agreement, in virtue whereof shall guarantee them from 'every exception, which might be promoted from Mr. Popham against this 'declaration of *bonâ fide.*' For these false and fictitious papers one and a quarter per cent. upon the estimated value of the ship (5000*l.*) was paid; yet after all this, after these false documents, so procured, after neglecting to renew his application to the Admiralty for leave of absence, sir Home Popham has stated in his Memorial to the Treasury, that he believed the trade to be innocent and legal. In June 1790, then, the honourable captain sailed; in what character it is difficult to discover, for in some of the papers he is designated as captain, in others as supercargo; but in fact he had the real command of the concern. I shall here, sir, mention a circumtance, not with a view to accusation, or making it a charge, but because it has been frequently insinuated, and generally circulated out of doors, I shall therefore give the hon. gentleman an opportunity of explaining it. It appears by the Bill of Lading that on board this vessel there were shipped 40 cast iron guns, and some cases of small arms, but it no where appears how they were disposed of; and it has been said they were sold to the native powers, some of whom were at that period engaged in hostility with us. I repeat, sir, that I have no proof of this, but the hon. captain may clear up every suspicion by giving an account how these military stores were disposed of.—After a voyage, in which he touched at several ports in the East Indies, but which it is not material to trace, we find him at Calcutta setting out on a voyage for Bombay, in which he was prevented, by his own account in his affidavit, by distress of weather; but it appears by a letter amongst the papers, that he had quarrelled with his master of the colours, who threatened to bring an information against him for bringing out British property in a foreign vessel; that he sailed without any ship's papers, or documents to insure his admission into any port, where there was a regular customhouse; and that had he gone to Bombay his vessel must inevitably have been seized; all pretty good proofs that he was aware the traffic he was carrying on was illicit. From the Prince of Wales's Island, the hon. captain proceeded to Calcutta, where he sold his vessel of 500 tons, and purchased a ship called the President Washington, of 950 tons, which he immediately christened by the name of his old ship the Etrusco, and without any scruple or remorse transferred the papers of the smaller vessel to this nearly double its size. The mode of purchase too should not pass by entirely unnoticed. It was sold by Messrs. T. and W. Francis to one Giacomo Pons, and by him transferred to Giorgi by an indorsement on the bill of sale; but, strange to say, the indorsement does not bear date till the 24th of November 1792; this Giorgi signs himself in the charter-party of freight with Mr. De Constant, master and owner on the 5th of November preceding. The hon. captain, indeed, in his affidavit, accounts for these extraordinary transfers by stating that it was done for greater caution: for what purpose this greater caution was used I leave the house to judge. Having reached Canton, an agreement was there entered into beginning thus: 'It is agreed between Home 'Popham, owner of the L'Etrusco, Tuscan 'ship, on the one part, and Charles De 'Constant and Jean Baptiste Piron, supercargoes of the French East India Company, at Canton, on the other part.' There are several other parts of this agreement which it will be necessary to advert to before I sit down, but at present it is sufficient to observe, that a large cargo was taken in in consequence, and also a considerable quantity of goods on the hon. captain's own account. The vessel then set sail for Europe, and in the Cove of Cork was taken by his majesty's ship the Diadem, capt. Sutherland, and afterwards released by him, on the assurance of sir Home Popham that the property on board was all neutral, and that he himself had no share either in the ship or cargo. I state this fact, sir, on the authority of lieut. Cranford, who then served as a lieutenant on board the Diadem, and if it is disputed I am ready to call him to the bar to prove it. Indeed it is corrobated by the evidence of William Banens, who states that the ship was troubled three times before she was seized by capt. Robinson, once by the Diadem ship of war, at the Cove of Cork. On the voyage from Cork to Ostend some goods were smuggled on shore near Hastings, with the knowledge and by the order of sir Home Popham. This fact is proved by the evidence of several witnesses, but the testimony of the last is conclusive. Gilbert Brice, then first mate of the Etrusco, and who has since been in his majesty's naval service as a lieutenant, states 'that about 'four chests of tea were delivered out of 'the ship, while in the English Channel, 'and before she arrived off Calais; that 'the said goods were so delivered by order 'of Mr. Popham, and took place about '12 o'clock at night.' Several other witnesses depose to the same fact, and also that 4 or 5 boats were round the ship at the time. I will also tell the hon. officer who were his companions in that transaction. He will perhaps recollect the name of Mr. Wenham, whose father was partner with Mr. Charnock, and lived at Hastings.—There are others also whom if necessary I can produce to verify this statement, and to a much greater extent than appears by the papers. The Etrusco was afterwards captured by the Brilliant frigate, capt. Robinson, and brought to the river Thames. There was a suit commenced in the Admiralty Court, and a variety of proceedings, which it is unnecessary to enumerate to the house, took place. Amongst other claims there was one preferred by the hon. capt. for the ship and cargo, supported by a most extraordinary affidavit, to which I shall have occasion presently to advert; remarking only in the first place, that he had not appeared to be examined, which is usual in such cases, though a compulsory process was issued against him. The excuse of employment abroad cannot be pleaded, because it appears by his affidavit, that he was in London in August 1793. In this affidavit the hon. capt. described himself as formerly of Ostend, merchant, but now an officer in the navy: He admitted that he had gone to the East Indies and carried on trade there, though the leave had been obtained expressly with a view to his residing at the Danish settlemet of Fredericknagore. It was further stated that he had been on terms of intimacy with lord Cornwallis, and Mr. Stuart who acted as governor in the absence of lord Cornwallis; that he dined with them; and thence he inferred that they knew of the illicit traffic he was carrying on, and connived at it. But I must intreat the attention of the house to the concluding part of the affidavit; after claiming the ship and the whole, or at least one third of certain goods, it proceeds to say, 'that no 'person or persons being subjects of 'France, Spain, or the united provinces, 'or inhabiting within any of those territories, their factors or agents, or any other 'enemies of the crown of G. Britain, have, 'hath, or had directly or indirectly any 'right, title or interest in or to the said 'ship and goods or any part thereof at the 'said several periods of time (viz. at the 'time of lading and the time of capture) 'nor will have until the same shall be sold 'or disposed of, for the sole account and 'benefit of this deponent.' Now, sir, what is the agreement made at Canton, how does it agree with this declaration on oath? Sir, it begins thus: 'It is agreed between Home 'Popham, owner of the L'Etrusco, Tuscan 'ship, on the one part, and Charles de Constant, and Jean Baptiste Piron, super-cargoes of the French East India Company 'at Canton, on the other part, that a joint 'concern shall take place.' Again, 'they 'do further agree that all profit or loss upon 'the said expedition is to be borne or suffered share and share alike between the 'said Home Popham, Charles de Constant 'and Jean Baptiste Piron.' Sir, this requires no comment; it is too glaring.—In 1797, the vessel was condemned in the court below as prize to the king, together with the cargo; from this sentence there was an appeal; and five years afterwards the lords commissioners reversed the decree as to Mr. Constant's share, which they restored, condemned Mr. Piron's as prize to the captors, being French property, and the ship and that part of the cargo claimed by sir Home Popham they determined to be prize to the king as the property of a British subject engaged in illicit traffic. After this sentence several memorials were presented to the treasury, and amongst others one by sir Home Popham. This memorial stated, that the vessel had been condemned on account of the illegality of the traffic, of which he, sir Home Popham, was not aware when he engaged in it, but that he believed it to be innocent and legal; that he was well known to lord Cornwallis and received at his table; and that he was in habits of intimacy with Mr. Stuart, who acted as governor in lord Cornwallis's absence; that the trade was carried on with the knowledge and under the apparent sanction of the servants of the Company.—Of the testimony of that revered nobleman here alluded to, we are deprived by his much to be lamented death; but, sir, I cannot without indignation see his name aspersed. [Here Mr. Lushington was called to order by Mr. Dent, but desired by the Speaker to proceed.] Amongst all the great and eminent qualities which adorned his character, none were more conspicuous than his spotless and unblemished integrity. Sir, had the marquis Cornwallis had the inclination, he had not the power to sanction this trade. The king himself cannot dispense with the laws of the land, and who will say, that any inferior authority shall possess that power. But, sir, I leave the question to the house, which shall have the greater weight, the assertion of the hon. capt. after the facts I have proved, after his statements in his affidavit, or the character of marquis Cornwallis? If, however, sir, we cannot have the testimony of marquis Cornwallis, Mr. Stuart is still alive. He was in habits of intimacy with the hon. capt.: he no doubt will come forward and corroborate all his assertions: he will vindicate the character of sir Home Popham, and clearly prove the sanction of the servants of the Company to this trade. I have the honour of some acquaintance with Mr. Stuart, and with the leave of the house will read a letter, which I received from him in answer to my inquiries on this head, which I accompanied with a copy of the papers which have been laid before the house.—'My dear sir, I 'have been favoured with your letter of 'the 20th. Sir Home Popham and his sup'porters, it is to be hoped, will be able to 'establish some better grounds of defence 'than that the acts of mere civility to him 'as a stranger are to be perverted into an ''apparent sanction' of an illegal traffic! 'I knew capt. Popham in India merely as a 'naval officer who not chusing to be idle 'in the time of peace had obtained per'mission from the Admiralty to sail to In'dia, with a view, it was understood, of im'proving himself in his profession. I know 'that he commanded the ship Etrusco, 'which sailed under Imperial colours, 'and from his having made some useful 'surveys in the Bay of Bengal and the 'Ganges, it is very probable that I did 'sometimes invite him to dine with me; 'but I cannot boast of any intimacy ever 'having subsisted between us; and as to 'his commercial concerns, I know nothing 'at all of them. There is no occasion, 'my dear sir, for any apology; for as I 'am not conscious of having given any 'sanction to illegal traffic in India by the 'civilities shewn to capt. Popham, I cannot 'suppose that he or his friends will at'tempt to rest his defence upon so baseless 'a structure. I remain yours, &c. CHARLES 'STUART.'—Now, sir, I will undertake to prove, that though the hon. capt. has asserted that he was ignorant of the illegality of the trade in which he was engaged, that he was not aware that he was violating any of the laws of his country, but that on the contrary he believed the traffic to be innocent and legal; I will undertake to prove, if indeed the house is not convinced already, by documents upon the table, that he knew, past all possibility of doubt, that all his proceedings were contrary to law. I will say nothing of his procuring ship's papers which were all false and fictitious, of the bill of sale of the ship being made out in the names of other persons, as stated in his affidavit, for greater caution; of the bill of lading being signed by Giorgi as captain and owner of the ship: I will pass by these collateral proofs, though pretty convincing, and request the attention of the house to some of the letters contained in the documents, and found in the possession of the hon. capt. In letters bearing date, and in the common course of things received antecedent to the last voyage, the fact will clearly appear. Mr. Wm. Popham writes, in a letter addressed to sir Home, 'Your ship will be 'particularly marked;' again, 'No in'surance can be made.' 'The renewal of 'your time must not be for India, as they 'will require a certificate from the India 'house, that you have their permission to 'proceed thither; you may make it for 'Africa, or the West Indies and America.' Another letter informs him, 'That the 'laws of this country are very full for the 'support of the India Company against 'British subjects adventuring to that quar'ter.' There are several other passages of the same nature; but Mr. Pendergast speaks in very plain language. He says, 'Do not be offended at my proposing illi'cit commerce to you.' Thus, sir, the house will perceive that the hon. capt. was forewarned of the illegality of the trade, of which illegal conduct he was afterwards proved guilty in a court of justice, and yet he has the effrontery in his memorial to declare, that he believed it to be innocent and legal. Am I not justified then in saying that this was a gross imposition upon the lords of the treasury? There are other parts of this memorial deserving observation, as that the freight, amounting to 27,000*l.* (though the ship only cost 20,000*l.*) might have been received at Canton, though there is an express clause in the agreement, that it should not be paid till after the sale of the cargo in Europe; but I think I have said enough to convince the house that there was nothing in this memorial to justify the grant.—I must now advert to the extreme hardship of admiral Robinson's case, who was the captor of this ship, which was detained and prosecuted under the directions and by the advice of the ablest counsellors in the profession. Admiral Robinson has not yet received his expences, though his share has been restored to the neutral claimant, Mr. Constant; and sir Home Popham has already received 18,000*l.* It is not my intention to find any fault with the judicial decision; indeed it would be great presumption were I to do so; but there is a circumstance which considerably aggravates the hardship of this case. Since the commencement of the war in 1793 there were two instances in which vessels employed in this trade were proceeded against in the court of Admiralty, the Eliza and the Enterprize, and they were both condemned to the captors, who consequently received the whole benefit of the proceeds of the ship and cargo. Admiral Robinson had therefore two recent precedents in his favour, and must naturally have expected that he and his ship's company would have received the same advantage.—The lords commissioners of appeals however reversed the course of all former decisions on this point, and after taking five years to deliberate, pronounced the ship and cargo to be lawful prize to the king, and not to the captors. By this decision admiral Robinson was deprived of all legal title and of all benefit except what he might receive from the bounty of the crown. He accordingly sent in a memorial to the treasury on behalf of himself and his ship's crew; and amongst other circumstances stated the very great expence he had been at in bringing the ship to condemnation; indeed so large were these expences that had the ship not been condemned, admiral Robinson must inevitably have been ruined. However, notwithstanding all these circumstances, the treasury thought proper to grant the whole of the proceeds of the ship and cargo, which had been condemned as employed in illicit trade, saddled with only part of the expences of the captors, to sir Home Popham, who had been detected in the prosecution of it. It is to this grant, sir, that I object, as being an act of injustice, contrary to all custom and precedent, and productive of the most mischievous consequences. I am not inclined to attribute corrupt motives to the advisers of it; I do not wish to enter into that question, because the right hon. gent. (Mr. Pitt), who must be considered as chiefly responsible, is now no more: I am willing to admit that the grant may have been made without due consideration, without knowledge of the circumstances; that the Treasury were deceived by the false statements in the hon. captain's memorial; but I do contend that it is an improper application of public money, and in no respect to be justified. It is not to be justified by the report of the king's Proctor (which is in fact the king's Advocate), because that report is precisely the same both on the memorial of sir H. Popham and admiral Robinson; it expresses no opinion, but declares that it is a matter entirely at the discretion of his majesty's government: so that the Treasury would have been equally justified, as far as that report can justify, in giving the proceeds to admiral Robinson. The report indeed states, that the capture was attended with no great exertion of courage or risk, but that considering the length of the litigation and danger which admiral Robinson incurred of being ruined if the suit did not succeed, his expences ought to be paid. But, sir, let us see what has been the custom in these cases, and whether it has been usual to grant some share of the proceeds condemned to the king as Droits to the Crown, only to captors, who have undergone great danger and displayed great exertions of valour in the capture. Sir, there is not a single instance whatever of any vessel having been condemned to the king *jure coronæ,* in which some part of the proceeds have not been granted to the captors. It has been the invariable rule to grant a part: the Etrusco is the only exception. The proportion, indeed, has differed; sometimes two-thirds, sometimes one-half, but never less, except when specie was found on board, in which case one-fourth has been given. But a few months ago a Russian frigate was captured in Portsmouth harbour, where there was not the smallest probability of danger, not the slightest risk incurred; the vessel and cargo, part of which was specie, was estimated at 200,000*l.* and being condemned to the king *jure coronæ,* one-fourth of the specie was given, and certainly one-half, if not two-thirds of all the other proceeds. The danger which was incurred, therefore, has never been made the criterion by which to distribute or not to distribute.—What peculiar circumstances are there then to justify the departure from precedent in the present case? What demerit had admiral Robinson? what merit had sir Home Popham? Admiral Robinson was an old and experienced officer, who had served his country 40 years with zeal and activity. His father too had been an admiral in the service, and had, at an advanced age, lost a limb, when he commanded the Shrewsbury in an engagement off the Chesapeak. When the Etrusco was seized at Ostend, admiral Robinson was offered 40,000*l.* to release her. [Here sir Home Popham observed, that he did not believe it.] Sir; admiral Robinson is in town; I will call him to the bar of the house to prove the fact, and leave it to the house to judge, who is most worthy of credit. In addition to his long services, admiral Robinson had to plead the length of the trial, which lasted ten years, the expence he had been at, and the risk of ruin which he saw had not the suit succeeded. All his fatigue and anxiety of mind has been considered as nothing worth.—Sir Home Popham had no naval services to plead: nor will the pretence of the Company having apparently sanctioned his trade avail him. I have proved that the Company's servants in India did not sanction it. At home when informed of the capture of the vessel by adm. Robinson, the court of directors, by their secretary, expressed their anxious desire to prevent illicit trade, and declined joining in the prosecution only because the case was so wrapped up in obscurity, that there did not appear sufficient proof to insure a condemnation. Had they proceeded under the provisions of the act, the ship and double its value would have been the forfeiture. The consequences of grants of this nature are most pernicious; it is not only a waste of public money, but detrimental to the naval service. What hope has an officer but the uncertain chance of prize money in the navy, of acquiring a small property to enable him to pass the latter end of his days in comfort and competency? And shall he be deprived of this hope, of this only resource by which he can honourably acquire property, to bestow it upon one who had abandoned the service and been detected in the violation of the laws of the country? Sir, this transaction began in fraud, continued in deceit, and ended in a gross imposition upon the then government. I regret the necessity of making such heavy accusations against a member of this house; I am sorry to be obliged to word my resolution so strongly against a naval officer; but the case admits of no palliation. I therefore move you, sir, "That it appears to this house that by a decree of the Lords Commissioners of Appeal in Prize causes, dated the 11th day of August 1803, the ship Etrusco, and such parts of the cargo which were claimed by Home Riggs Popham, esq. now sir Home Popham, were condemned as good and lawful prize to the king, as the property of one of his majesty's subjects engaged in an illegal trade.—That by a Treasury warrant dated the 24th Sept. 1805, the proceeds of the said ship and cargo, amounting to £. 25,959. 9. 7, subject to certain expences not exceeding 6,000*l.* were granted to sir Home Popham, who had been detected in prosecuting such illicit trade.—That this grant is a misapplication of public money, in-as-much as, contrary to all custom and precedent, those funds which have in part always been appropriated to reward the exertions of captors, were bestowed wholly upon sir Home Popham, who, being a lieutenant in his majesty's navy, had been detected knowingly carrying on illicit trade in contempt of the laws of his country, contrary to his duty as a British subject, and to the disgrace of the character of a British officer; operating at the same time as a discouragement to his majesty's naval forces, by depriving them of the accustomed rewards of their zeal and activity; and as an incitement to the contempt and disregard of the laws of the land, by bestowing reward and impunity on those who had been detected in the violation of them."

Sir *Home Popham*.—Before I reply to the various charges brought forward against me by the hon. gentleman, I trust that the house will indulge me with a patient hearing, while I offer a few preliminary observations, which are the more necessary to the vindication of my character, as they relate to circumstances immediately arising from the original question, or brought forward in this house since its first discussion. I wish not to detain the house by frivolous and irrelevant matter, but to oppose facts to calumny, and to combat prejudices and falsehoods with no other weapons than truth and plain dealing. The persecution which has been exercised against me for several years past must be strong in the recollection of every member of this house; but of all the exertions which have been used on former occasions to traduce me, and to render me odious to the country, none have been equal to those exercised on the present occasion. No pains have been spared, no means scrupled at, to lower and vilify my character: the poisoned arrows of mine enemies have been aimed at me both as a public man and a private individual; they have raked into every part of my life to find out some personal weakness, in order to use it as a calumny against me: the follies of my youth, and any attendant foibles, have been held out to the public as the most enormous crimes: all the private transactions of my life have been gone into; and such an effect has it had, that unless I yield in all cases to what I consider an imposition, a threat of impeachment is held out against me, and this by the house entertaining discussions on private transactions.—Having, sir, mentioned the unprecedented pains that have been taken to hunt me down, I cannot help observing, that before another court of honour the accused, in the preamble of his defence, very highly complimented the editors of the newspapers for the strict silence they had observed from the moment of its being publicly known that the officer alluded to was to be tried; whereas the instant the honourable gentleman opened his masked battery upon me, the literary assailants began in every way to take me in flank and rear, with a view of raising the whole country against me. Sir, I will take the liberty of reading one paragraph which accuses me of being a traitor to my country, and carrying gunpowder to the enemy, which is the highest crime in the mind of a British public. I am sorry that lowering me in the public esteem should be an object of such high importance, that such unworthy means are resorted to against me. I did think the liberal constitution of this country considered every person arraigned for an offence, as under the protection of the court before which he was arraigned; and above all do I still think, that in my peculiar situation, I am under the protection of the dignity of this house. Good God, sir! is it possible that one of its members could have been guilty of carrying arms and ammunition to the enemies of his country? Such a person surely ought to be tied to a stake in Palace-yard. With the house, however, it will rest to say, what ought to be the fate of any man who falsely and flagitiously brings such a charge against one of its members. I do think the documents on your table will satisfy the house that I am little calculated to carry into effect so treasonable a project. I was not on that side of India during my last voyage, and I never, directly or indirectly, had any intercourse whatever with any enemy of my country. Various other instances of similar conduct on the part of the newspapers have occurred; advertisements have been inserted for evidence or information against me; and a pamphlet published, called A Discourse, foisted on the public as a discussion on Copenhagen, but evidently meant as an attack upon me; the preface and appendix constituting more than two thirds of the book, full of the grossest scurrilities, evidently meant to prepare the country for the present attack on me, although it so happened, the honourable gentleman never heard of the Etrusco till the morning he first presented himself to the house on the subject! This author has also endeavoured to administer another species of poison to the public, by insidiously stating that I had only been so many years afloat after my promotion; that, sir, was my misfortune; I had not interest enough to get a frigate, nor could I, without a dereliction of my bounden duty, refuse to be employed by his majesty's government in the various manners in which they have chosen for the last fifteen years to direct my exertions.—Nothing, sir, can more thoroughly mark the rancour exercised against me, than an attack which an hon. gentleman made upon me, with so becoming and well-timed a liberality, at the moment the safety of my life was a questionable point in the opinions of my physicians; not as a relevant topic of debate, but to make an impression against me while I was arraigned under a most serious charge; for I am certain my appointment as captain of the Baltic fleet, could have no reference whatever to the provisioning of the Rochfort squadron; and yet the hon. gentleman, in a most unqualified manner, while arraigning the noble lord's conduct who has no successfully president at the head of the board of admiralty, says, 'his appointment of sir Home 'Popham to be captain of the Baltic fleet 'was an outrage, and disgusted every officer in the fleet.' Now, sir, I will tell that hon. gentleman that the appointment he alluded to was not what he has been pleased to describe it. This house shall choose between that hon. gentleman's high authority, and the opinions of two officers of the first rank and character in the service, (whose letters happened not, like several others on the same subject, to be destroyed :) the senior, an admiral nearly related to a noble lord sitting on the opposite bench; and the junior, a vice admiral, sir Thomas Graves, who has had the honour of receiving the thanks of this house, and the highest mark of his sovereign's approbation, added to what is equally dear to him, the most unequivocal testimony of that illustrious hero lord Nelson, of his meritorious conduct on the occasion for which these honours were given.—'July 17th, 1807. My dear sir; I was 'very happy to find from admiral Gambier that you have absolutely received 'your appointment as captain of the fleet; 'I rejoice in it, in this instance, more than 'I should probably in any other, because 'you are so well acquainted with the Baltic, where the fleet is supposed to be 'going. I think from your great professional knowledge, resource, and activity, 'lord Mulgrave could not have made a 'more judicious choice for the appointment. I have long known your admiral: 'he is a most honourable man; and although you have never been on service 'with him, I am certain your assiduity 'will gain his good opinion. I wish my 'flag had been hoisted; I should have 'rejoiced in acting hand in hand with you: 'much success attend you, and believe me, 'my dear sir, very truly yours, C. P. Hamilton.'—Extract of a letter from vice admiral sir Thomas Graves. 'July 22nd, '1807. It does not appear that they are 'certain who are to be your flag officers; 'though doubtless long since appointed; 'all agree that you are captain of the 'fleet, which, it is said, will consist of 'twenty or thirty sail of the line; an 'invincible force, in which your genius 'and talents will have ample scope: and 'I think the situation you hold in the expedition is as creditable to those who appointed you, as I am persuaded it will be 'advantageous to the public, and honourable to yourself and the service.' I will submit to the house, whether the opinion of these officers, written at a moment when they little expected I should take the liberty of making it public, added to the opinion of three very respectable officers who were then at the board of admiralty, ought not to have more weight in the decision of the noble lord, than the extraordinary acquirements upon those topics of the hon. gentleman. I will also, if the house will allow me to read a few more letters, give most unanswerable proof that the other allegation is the reverse of true, 'that every officer was disgusted with my 'appointment.' I am really quite ashamed to trespass so much on the house; but really, sir, the hon. gentleman did so forcibly press the unpopularity of my appointment, that I cannot refrain from attempting to remove such an impression.—'April '9th, 1808. My dear sir; having observed 'in the newspapers an assertion made in 'the house of commons, that your late 'appointment as captain of the fleet gave 'disgust to every officer in the expedition 'to Copenhagen, I feel it my duty, as one 'of the captains employed on that service, 'to assure you, that so far from being disgusted or displeased, it gave me most 'sincere pleasure to see you in a situation 'I conceived you so perfectly calculated 'to fill with credit to yourself and to your 'country; an opinion most fully confirmed 'by my observations on your zeal and 'unwearied exertions at Copenhagen; and 'I have much satisfaction in saying, I express not my own sentiments, but those 'of all my brother officers I was in the 'habits of intimacy with, which I believe 'includes the greater proportion of the 'fleet. I have only to add, that I shall 'rejoice most heartily to see you again 'in a situation to call forth your talents 'for the good of the service. I am, my 'dear sir, &c.'—Extract of a letter from a captain in the Baltic fleet: 'April 18th, '1808. Our friends here inform me you 'are about to be employed again; I, who 'witnessed your unremitting exertions and 'abilities at Copenhagen, with the general 'satisfaction you gave both army and 'navy, should be better pleased that you 'were in the same situation again, rather 'than in command of a single ship.'—Extract, 'March 10th, 1808. I observe 'by the debates of the 4th instant, on the 'subject of sir Richard Strachan's squadron, that Mr. Calcraft has asserted, that 'lord Mulgrave has committed an outrage 'on the service by appointing you captain 'of the fleet, which gave universal dissatisfaction. I never had the pleasure of 'being introduced to you until your acceptance of that appointment; but previous to your arrival at Yarmouth, a 'report was in circulation that some officers intended to remonstrate against your 'appointment, and which very naturally 'from the novelty of such a proceeding, 'became the subject of conversation among 'the captains, and as far as I could learn in 'the first instance, they viewed the report 'more as a squib than any serious intention 'to remonstrate. I have ever considered 'it to be the province of a commander in 'chief, to nominate officers who are to be 'in confidential situations about him, especially as in your case: that nomination 'came within precedents established, not 'only at home but abroad, and I was sorry 'to find that the least difference of opinion 'should have existed on the propriety of 'your appointment. It is impossible for 'a captain of a fleet to give universal satisfaction to those under his direction; 'but from your unremitting zeal for the 'service, the perfect arrangement of your 'plans, your exertion in the execution of 'them, and your personal attention to the 'officers of the fleet, I heard you spoken 'of by the captains with whom I was in 'the habits of intimacy, in the fleet, in 'terms which reflect the highest honour 'on your character and conduct; and I 'really feel myself called upon to communicate those my sentiments to you. I 'must beg leave at the same time to say, I 'totally disclaim attaching myself to any 'party: I only come forward to assure 'you my name cannot be enrolled among 'those who are represented by Mr. Calcraft as disgusted with your appointment 'under lord Gambier; and I am convinced that many of my brother officers 'who are now at sea would, if they were 'in England, be glad to avail themselves 'of an opportunity to do you similar justice.'—'April 9th, 1808. Dear sir, I 'was astonished to see reported in a newspaper in a late debate in the house of 'commons, an assertion made use of by 'Mr. Calcraft expressing that my lord 'Mulgrave had committed an outrage to 'the service in appointing you captain of 'the fleet, on the late Baltic expedition; 'and if my memory does not fail me, he 'said 'disgusting to his brother officers.' 'Such an assertion calls on the captains of 'that fleet to express their mind; and I, 'who had opportunity of seeing your great 'and zealous exertions, both in the fleet 'and on shore, and of hearing the sentiments of navy and army, feel that an 'outrage has been committed against lord 'Mulgrave and yourself, and against the 'sentiments of the captains of that fleet. 'It is true, I read in a newspaper when off 'Copenhagen, that some disapprobation 'had been expressed by the captains at 'your appointment; but I do affirm that I 'never heard an expression, direct or indirect, tending to insinuate such a sentiment 'by any of my brother officers; on the 'contrary, there appeared to me but one 'opinion, that of the greatest confidence in 'your abilities, and approbation at your 'being selected to fill so honourable and 'arduous a situation on an expedition so 'big with great events. I can only lament 'that your being now appointed to the 'command of a ship will, in a great degree, 'cramp your exertions, but I sincerely 'hope the time is not far distant when the 'country will reap the benefit of your 'great abilities on a greater and wider 'scale. With every sentiment, &c.'—' Extract: 'March 12th, 1808. Although 'Mr. Calcraft has taken upon himself to 'assert in the house of commons that your 'appointment as captain of the Baltic 'fleet gave universal disgust, I do assure 'you it is not a fact. Some few officers 'made some objections, but I am certain 'four-fifths were decidedly in your favour; 'and as to your conduct after your appointment, it was such, in personal attention, arrangement, promptitude, unceasing exertion, and zeal in the faithful 'discharge of your duty, as obtained you 'the highest credit with every officer I 'conversed with on the subject. I am, '&c.'—Extract: 'May 10th, 1808. I 'want words to express my astonishment 'at the observations (respecting your appointment as captain of the Baltic fleet) 'made by Mr. Calcraft; as the fact is, 'that so far from an outrage, it was conformable to several precedents, and so 'popular in the fleet, that I never heard 'one dissenting voice; and on the conclusion of the service, every officer in the 'fleet, in their general conversation, bore 'the highest testimony to the impartiality, 'unremitted zeal, promptitude, spirit, activity, most gentlemanlike and congenial 'deportment, with which you conducted 'yourself, and thereby gave such cheerful 'and universal satisfaction. As to myself, 'who have served upwards of thirty years 'in the navy, I can only observe, that I 'think the country highly indebted to 'lord Mulgrave for his discernment and 'judicious selection, in appointing you 'captain of the Baltic fleet.'—These letters are written by officers, who either commanded line of battle ships in the expedition to Copenhagen, or do command them now; many of them I never saw before that expedition, and probably it will be well not to read their names, as it may tend to some party irritation; but that will rest with the honourable gentleman. I trust the house will excuse me for taking up so much of its time, but I must ask the honourable gentleman whether, if any prejudices existed to my appointment, any had manifested themselves to my conduct in that appointment? I shall feel the greatest obligation to that honourable gentleman if he will produce any three officers, and I will give him the wide range of an extensive army to go to, who have any fault to find with my conduct, personal or public, in the different duties entrusted to my care. And I shall now ask any candid mind, whether entering on a department under the disadvantages of personal prejudice, and retiring under the approbation of his general conduct, is not more meritorious than entering on a department without any adverse prejudice, and retiring without the least approbation.—It will ill become me to enter upon my immediate answers to the different points which the hon. gent. has urged with so much ingenuity, before I offer to you, sir, and to this house, my most sincere thanks for the patience and indulgence with which I have already been honoured. The house, however, will observe, that the transactions now under discussion originated twenty years ago; and as all other efforts have failed to abase me in the estimation of my country, these have been resorted to. The Cape, Buenos Ayres, and Copenhagen, have been worked threadbare; no more is expected to result from them, and as little I trust will result from this; for whatever length the examination may go to, it can never alter the principal feature of the case, that I preferred active employment to the dissipation of every description which at that time I might have entered into. The charges which the hon. gent. has brought forward, I shall class under four heads; that I went to India without the consent of the East India Company, contrary to their exclusive charter; that I had smuggled part of the cargo of the Etrusco into Ireland and England; that I had absconded from India; and had escaped from the ship in Ostend roads. If I was disposed, sir, to contend that the last letter from the admiralty was the only one which was binding on me, I might certainly do so, and in that letter it has been seen that no restriction whatever was imposed on me in regard to the Company's settlements: it gave me unrestricted leave to go to India, and to reside two years at Fredericknagore, on the express condition of my resigning my half pay: but I will not separate the inference which might be drawn from the first application, which was rejected, and in which application I stated I had no intention of going to the Company's settlements with a view of remaining there. I will state the fact to the house exactly as it stood. When I sailed from Europe it was my intention to domicile myself at Serampour. I do not mean to say I should not have stopped at Calcutta on passing, but my fixed residence would certainly have been in the former place. In my voyage out, however, the ship struck on an unknown rock in the Mozambique channel: I was obliged to go to Bombay, and on my arrival there I found several English ships under foreign colours, commanded by Englishmen, and who had sailed from the port of Ostend in the same manner I had done. The treatment which these ships had experienced from the government of Bombay, certainly changed my view of the subject; no restrictions were enforced on them, no law put in force against them, and the policy of encouraging this trade was an obvious feature in the general conduct of the government and the servants of the company. Under these circumstances was it not, sir, natural that I should avail myself of the same attention, and the same advantages, which were held out to others at the time it was supposed they were offending against a prohibitory law of the company? From Bombay I went to Madras; from Madras to Calcutta, though not in my ship; and on the moment of my arrival there, I was applied to by the governor-general to assist on a particular service ordered by the court of directors; I in course acceded to the proposition; and having now occasion to state that I was so employed by lord Cornwallis, I beg to disclaim the slightest intention of aspersing the character of that illustrious nobleman by any thing I could ever have said on the subject of his conduct towards me. All I meant to state was, that the governor-general knew I was a British subject, and that I was in the command of a foreign ship; and although the hon. gent. has stated that the government of India had not the power of prosecuting the ship, yet he had the power of seizing me, as an individual, and sending me under an arrest to England; a power, I believe, equally possessed by all the presidencies of India: but, on the contrary, the government not only abstained from noticing the trade in which I had been engaged, but, conceiving I had performed some services to the Company by gratuitously applying my professional exertions in various instances, wrote in the strongest terms to the court of directors; which letter, page 45, I will take the liberty of reading, and by which it will be seen that the court of directors was particularly solicited to recommend me to the lords of the admiralty. Extract of the public letter from the governor-general in council of Bengal, dated Nov. 25th, 1791, to the court of directors: 'You 'will observe, in his letter dated the 8th of 'September, that Mr. Popham, a lieu'tenant in his majesty's navy, has rendered 'a very important service to your settle'ment of the Prince of Wales's Island, 'and to the navigation of that part of India, 'by effecting a survey of the south chan'nel; and ascertaining that vessels of any 'depth of water not exceeding twenty-'four feet, may now make their passage, 'and thus avoid a great loss of time, to 'which, previous to the survey, they were 'obliged to submit in working out of the 'harbour of Pulo Penang to the north'ward, when bound to the southward. 'Mr. Popham has been desired to deliver 'to us a chart of his survey upon this oc'casion, and we shall transmit it to you 'when we receive it, reserving a copy to 'be kept in this country. The present in'stance is not the first, of a liberal exertion 'made by Mr. Popham in the line of his 'profession for the service of the Company 'in India. At the request of government 'he assisted in the year 1788 in the survey 'of New Harbour and the adjacent chan'nel; and to the merit thus acquired, he 'has now added that arising from the per'formance of a service likely to prove 'highly advantageous to your commercial 'interests. Unemployed as Mr. Popham 'is under the Company, his zeal, and gra'tuitous direction of his professional talents 'to the advancement of the public good, 'on the two occasions we have mentioned, 'and especially the last, claimed more 'than common notice, and we have ac'cordingly expressed to him our sense of 'the readiness he has manifested to pro'mote the interests of your service. We 'have also directed that a piece of plate 'may be prepared, bearing an inscription 'expressive of the occasion upon which it 'is given; and we have instructed our 'secretary to present it to him in the name 'of the governor-general in council. Per'mit us to request that the services per'formed by Mr. Popham may be repre'sented in the terms they merit by your 'honourable court to the lords commis'sioners of the admiralty in England.' In consequence of this recommendation I was reinstated in his majesty's service, which, but for the war of 1793, I never should have had the honour of being. In this transaction, sir, I must therefore be considered as a private individual, and could not, in the words of the honourable gentleman's resolution, have "disgraced the character of a British officer." The papers on your table prove that I was struck off the list of lieutenants in April 1791, I heard of it in October; and believe the Etrusco, which was taken by admiral Robinson in Ostend road, was purchased by me in December of the same year; and however I might have erred as a lieutenant by going to India on a mercantile speculation, I certainly had a right, when I was no longer in the service, to pursue that speculation, with every exertion I possessed, for the sake of my family. And here, sir, I cannot help asking, against whom was I offending? Was I offending against any general law of the country? No, but against the protecting law of the monopoly of the East India Company. Did the Company prosecute me? No; but they rewarded me by recommending me, after my sins, to the notice of his majesty's government. In short, sir, it was the policy of the Company at that time, if not to encourage, certainly to countenance, the trade of English capitals under foreign flags; and every body considered the relaxation of the governments in India, in enforcing their protecting law against the foreign trade, as amounting almost to an abrogation of it. With respect, sir, to the expences of captain Robinson, it was not owing to any fault of mine, or any neglect on my part, that they have not been paid long ago. On my return from the Cape of Good Hope my proctor presented me with the accounts; and seeing upwards of 900*l.* for travelling and incidental charges from 1793, when the ship was taken, till 1803, when the captor had no occasion to travel any more, and an interest on that sum of near 300*l.* making in all 1200*l.*, I do confess I hesitated to pay it; and am certain every person will feel that the charge is a little extraordinary for travelling to Deptford, where the ship lay, or to London, for a few opinions on the mode of prosecuting her; and was it not a little extraordinary during the last five years, not a stroke of law was struck? These accounts are now before the register of the court of admiralty, and merchants of the city of London, duly appointed; and I am happy to say, as a proof of the propriety of my objection, that they struck off the interest the moment they saw it. The agent of admiral Robinson refused the arbitration of gentlemen whom I proposed, as I consider it on all occasions the best reference for points in dispute; and which, as I before had the honour of mentioning in this house, was the course I pursued towards Messrs. Paxton, antecedent to this case being tried; and which I have again done by my solicitor, although the issue of that trial was against them.—Now, as to the honourable gentleman's charge of absconding from justice, how does that stand? A coarser observation was never applied to any individual; in the same way I felt many of the honourable gentleman's observations; but as he has not been called to order by the house, I must rest satisfied the language he used was completely within its rules. In one month after the capture of the Etrusco, I was reinstated on the list of lieutenants, and appointed to act with the army in Holland, and I do not believe any officer in that army will accuse me of absconding from the various and fatiguing duties which my situation in it imposed upon me; I did not return to England till 1796, nor did I even hear of the compulsory process till it was mentioned in this house by the honourable gentleman. The honourable member has stated too, that just before the Etrusco was seized, a person had escaped from her with a boat-load of goods; that person, sir, was myself: I had an undoubted right to act as I pleased; to hoist my boats out when I pleased, and to go, where it was very natural I should go, to see my family, after an absence of twenty months. That I did take such articles as I thought would be acceptable presents to my family, is most true; I wish I had taken twenty boat-loads; and if I could have taken the ship into Ostend harbour, then, I apprehend, the honourable and learned gentleman would not have had this opportunity of making his liberal practise on my character. But if there was any impropriety in my going on shore, why did not the gallant officer whose conduct has been so highly extolled by the honourable gentleman, prevent me? The reason, I conclude, may be easily inferred by reading admiral Wole's deposition, therefore on this point I shall make no further comment. The honourable gentleman has asserted that a bribe had been offered to admiral Robinson to relinquish the capture; I can only say, I never heard of this extraordinary circumstance till this night; nor can I imagine that any person was so much interested in the ship and cargo as myself, or could possibly have been justified in advancing so extravagant a proposition; and this was my reason for not denying it.—I now, sir, come to the charge of smuggling, so unwarrantably asserted by the hon. gent.: and I must deny, in the most unqualified manner, that the least article of the cargo was landed in Ireland. I trust the house will allow me to read a letter from the reverend Mr. Tisdale, the magistrate of Crookhaven, who has also written in similar terms to the hon. member for Cork. I referred to Mr. Tisdale for all the information he could procure on the subject of the charge of smuggling in Ireland, and this was his reply:—'My dear sir; my being absent from home these five weeks past prevented me from receiving your favour of the 18th ultimo till this morning, and I lose not one moment in answering it, as well to comply with your request, as to gratify my own feelings in rendering you every service (if it is any) in my power. The charge brought against you as far as relates to Ireland has surprised me very much. If any thing of the kind had occurred, I must, most assuredly, have known it, from the close intimacy that subsisted at the time between us; but so far from your having disposed of any thing in Ireland, I have known you to reject several considerable offers made to you by different persons to induce you to dispose of teas, or any other article you might have had on board; nay so very cautious were you, that I confess I found myself disappointed in being refused by you as much as one or two boxes of tea for Mrs. Tisdale. I was present when, immediately on your arrival here, you issued the most positive orders both to the officers and crew of the L'Etrusco, on no account whatever to attempt to dispose of any article, even of their private property; which order was, I believe, most rigidly observed. I went round to Cork with you in the ship, and staid with you until the vessel had cleared that harbour; during the whole of which time I can safely and conscientiously, I think, assert, 'that not one pound of tea or any other 'article was taken out of her. Your innocence of the charge brought against you 'here, appears so clear to me, that I should 'feel great satisfaction, as far in me lies, 'in any act of mine that would tend to 'your justification in the opinion of the 'public, as well as that of your friends; 'and should you think that any other 'light can be thrown on the business by 'me, I have to request you may command 'my services. I am, dear sir, with great 'regard, very truly yours, Fitzgerald Tisdale. Crookhaven, March 8th, 1808. I 'write by this post to my friend, colonel 'Longfield, one of the representatives for 'the city of Cork, on this subject.' Now, sir, if there was any thing in the character of the voyage which led to a suspicion that smuggling was its object, I do submit to the house, whether Crookhaven, where there was no custom-house officer for a considerable time, and where such offers were made as would tempt any man to sin, was not the place to have effected this purpose? Besides, I remained long enough in Ireland to have entered into a systematic arrangement with my correspondents in England for vessels to meet me off Scilly, which was the position where the English Indiamen discharged their teas when that was a usage which generally obtained in the service. On the contrary, when I sailed from Ireland, I sailed under the convoy of the Diadem; and as captain Sutherland wished to be ready to chase on all occasions, he directed me to wear a pendant and lead the convoy. The instructions I issued are in papers on your table; and it will be there seen, that hoisting a Tuscan jack at the mizen topmast head was the signal for the convoy to proceed to the Downs, while the Etrusco prosecuted her voyage to Ostend. The contradictory depositions in the printed exhibits of men of all nations, and which were taken by captain Robinson's proctor, do certainly assert, that from two to five boxes of tea were delivered from the ship between Hastings and Dungeness. By reference, however, to the marshal's sales, and the schedule of the teas which I claimed, it will be seen, that all the teas belonging to me were sold in London, except one box, and is it not natural to suppose that the one box was used in the voyage home? I have taken much pains to ascertain to whom these teas belonged; I have not succeeded; but it is universally allowed that they were given to the Hastings pilot, and when the ship was beyond the limits of the hovering act, and consequently there was no law to prevent my having unloaded the whole ship. It might as well be said, that if I was accessary to the smuggling, I might have been equally so in selling the whole of the cargo at Ostend. But, sir, to strip this transaction of all the elegant and ingenious decoration in which the hon. gent. has involved it, the naked fact is, that a pilot, about to take charge of a very valuable ship over shoals which would shake the strongest nerves, had importuned, as was the custom with every ship passing up the Channel, for a few boxes of teas; and when the Etrusco had near four thousand chests on board, could the granting this, in the mind of any just or liberal man, be called smuggling? That this was the extent of the teas which went out of the ship, although there were boats enough to have laden the whole cargo, must be seen by the following letter from the master of a revenue cutter; 'Tyger, revenue cutter, 'Guernsey, 24th February, 1808. Sir, 'seeing by the papers, one of the members wishes to prove, that you run your 'cargo off Dungeness, I beg you will remember, that I boarded your ship to the 'westward of the Ness, supposing her to 'be one of his majesty's ships bound up 'the river, and might want a pilot, at 'which time I was one; at same time, 'you must recollect we towed alongside 'your ship, nearly up to Dover, where 'we left you proceeding for Ostend. 'Likewise beg to inform you what passed 'in the boat after we left the ship, between 'the boat's crew and myself. I asked 'them whether there was any thing to dispose of on board the ship; they answered 'me no, they might as well go on board 'a light collier; that captain Popham 'would not suffer such a thing to be done; 'at the same time they informed me they 'had heard on board the ship that you 'allowed your officers to let the Hastings 'pilot have three or four boxes of tea. I 'perfectly remember my boat's crew 'being very angry at being on board a 'ship from India, and could not purchase 'any thing. I am, sir, your most obedient 'humble servant, William Blake." In most situations, men's actions are guided by some motive; in a mercantile transaction, profit would be the leading feature. Now, I have endeavoured to trace who had received the money for these teas; the executors of Mr. Charnock can find no entry in this book, from which I am induced to think it was considered for the pilotage. But what was the value of these four boxes; 9*l.* a box; and the duty, as it was then rated, would not exceed 29*l.* on the whole: consequently, the loss to the revenue, if the teas were ever landed, of which there is no proof whatever, could only be the duty, which must have been gained by the person who received the teas. Having stated fairly all I knew of this transaction, which had taken place so many years ago, was it, I ask, such as to merit the harsh expressions which have been applied to it? If the honourable gentleman had used half the exertion to prove the direct acts of smuggling while the ship was in possession of the captors, as he has to prove my being disinterestedly accessary to four boxes going out of the ship, he might have more decidedly succeeded; to what extent it was then going on, nobody can calculate; but the returns from the custom-house can prove, that goods were seized alongside her in the attempt to land, and the boats condemned; this prevented the account of the cargo ever being regularly balanced. I cannot, sir, but be convinced, and I am sure the same feeling must pervade this house and the country, that it is impossible to find any person who was more particularly fitted for this investigation than the hon. gentleman. It must be well known that one of his hon. relations has had a long and intimate connection with his majesty's proctor in Doctors' Commons; so extensive indeed, and so various, was the practice of that office, that it became a subject of discussion in this house; and as a branch of the same connection still remains, where could he better apply for the course of judicial proceeding against the Etrusco, or against any ship, or for any ship? Nor could he have a more ample source of information of the commercial intercourse between this country and Ostend, than by applying to another branch of his family, whose partner has been known (if I am not deceived by my information) to have remained for weeks together at Ostend, sorting his goods from India, and selecting those best calculated for an active importation into this country. (Mr. Lushington called out, 'Name, name.') Mr. Maver, sir, your uncle's partner. The hon. gentleman has commented much upon the affidavit, and the memorials presented by me to the treasury. The affidavit recapitulated the joint concern of Constant, Piron, and myself; it really only claimed one-third of that joint concern; and it asserted that no Frenchman had an interest in that one-third, or in any part of the ship, or the rest of the cargo. But he might have gone further; for Piron never paid a shilling; and was only introduced by Constant to have an eventual profit, or to bear a similar loss: and it was in the time of perfect peace when this adventure commenced in China.—Now, as to the memorial, which only asserted that I unadvisedly entered upon these voyages to India, and that I did not know I was infracting any general law of the country, but a law partially protecting the India company, who had countenanced and protected me in the very ultimatum of these speculations. I never went clandestinely to India; I kept no part of my transactions there a secret at home; all the papers which are upon your table were printed fourteen years ago, and were before the court of appeals, where some of the highest characters then in England sat, and were convened several times on this subject. They saw all the depositions, and must have been satisfied that no idea of smuggling, in the true acceptance of the word, could have existed. When the memorial was presented by me to the lords of the treasury, it was accompanied by all the documents which are before the house, and all that had been admitted at Doctor's Commons; it was presented in the administration preceding Mr. Pitt's last administration; and certainly under the most inauspicious circumstances, for I was at that moment acting in opposition. The papers were referred by Mr. Serjeant, one of the secretaries of the treasury, to the king's proctor, and his report was made before the close of that administration; the king's proctor had been the proctor of captain Robinson during the whole of his controversy; he had been his legal adviser from the moment he first seized the Etrusco till the suit was concluded; and therefore, I contend, that as an honest man, reporting in his official situation, as proctor to his majesty, he should have reported every circumstance which appeared to him derogatory or flagitious in my conduct; and in point of gratitude to captain Robinson, as his proctor, he should, as far as he conscientiously could, have reported in such a way as to have obtained the greatest remuneration for him and the least for me; his not having done so, when my political conduct must have been so obnoxious to the then existing administration, is, I submit, a conclusive argument that my claim was just. As to Mr. Constant, he had received in the year 1768, 10,000*l.* and in 1800, 2197*l.* which sums, with the legal interest to which, in the hands of a merchant, it was justly entitled, would, before I received one farthing, have amounted to 16,000*l.* and yet I never asked him for a halfpenny, nor did it strike him that it was right to offer me one, during the five years it was doubted whether I should receive a farthing. His plea that I did not pay thirty thousand dollars into the treasury is ridiculous; because we had more money offered than we could dispose of, as our remittance was so very superior to the public remittance at Canton. Grant all which Mr. Constant claimed, 52,000 dollars, in which is included Piron's bond, he had but an interest originally, even allowing the highest exchange on his dollars, of about 15,000*l.*; and yet he received 16,000*l.* before I received one farthing. My loss is the ship, which by the papers before the house, is valued at 20,000*l.* the freight 27,000*l.* the 19,000 dollars, which is between 5 and 6,000*l.* and my individual property, schedule B, 10,000*l.* making in all 63,000*l.* and what I have received, with what I am to receive, will amount to about 19,000*l.*; and as Mr. Charnock was the greatest sufferer by his respondent bonds, I went in 1794 to his executor, and wrote a letter to him, and my own solicitor, as trustees; agreeing, after all the expences I had been at in England, in pursuing this cause, were paid out of the grant, to divide the remainder, upon the principle of a general average; by which means I shall probably not retain more than two or three thousand pounds exclusive of the demands I have cancelled on this property. It has been erroneously stated that captain Robinson got no remuneration from the crown; that fact I deny; he received all his expences, which he stated at 6,000*l.* Now if the treasury, instead of granting me a warrant for 25,000*l.* with a lien upon it of captain Robinson's expences, had, independant of the one third share of the joint concern which was condemned to him, granted him a warrant for 6,000*l.* out of the sum which was forfeited to the crown, then not one word could have been said upon the subject. From this statement I hope the disposition of the treasury will be considered just; it restored to me part of the remains of my wrecked fortune, all earned by my own exertion, and not taken from the fund or exertion of any individual whatever. To you, sir, and to the house, I return my most sincere thanks for the patient indulgence I have experienced; and I trust that, in retiring from this house, which I believe to be the invariable practice for members in my situation, the hon. gent. will not again accuse me of absconding from justice.

The *Chancellor of the Exchequer* asked the hon. mover, whether he meant to bring a charge against sir Home Popham or the government?

The *Speaker* put it to the house, whether there could be a doubt that the motion, as it was worded, conveyed a personal charge against sir Home Popham.—Sir Home having retired,

Mr. *Long* complained of the manner in which the hon. gent. had brought forward this charge against the treasury. If the hon. gent. would prefer a distinct charge against himself, he should always be ready to meet it; if against his late right hon. friend (Mr. Pitt), there were others in the house much better qualified to defend that illustrious and lamented character than himself. Of many of the circumstances mentioned by the hon. gent. he was perfectly ignorant until the agitation of this subject. He was ignorant that any charge of smuggling had been imputed to the hon. captain, for no such charge had been made in captain Robinson's memorial; he was ignorant that the hon. captain had pleaded in bar to an action, the illegality of the transaction in which he had been concerned. The hon. gent. declared that this was a misapplication of the public money, and that his principal object was to prevent a recurrence of that misapplication in future. He then proceeded to state, that the hon. captain had deceived the treasury, and had acted under that delusion. This he positively denied. The treasury had not been deceived. He was willing to take the whole responsibility of the affair on himself; for on the closest re-examination which he had been able to make of the subject, he was satisfied that the treasury had acted on the soundest principles; that they must have done what they did, even to an indifferent person; how much more to a man so well known by the services he had rendered to the public! What was the case? After a litigation of ten years, a part of the property was restored to the neutral proprietors; a part was allotted to the captors; a part was forfeited to the crown by the laws securing the monopoly of the East India Company having been violated. But who were the sufferers by this violation? the East India Company. Did they appear to feel much injury? No. Did they institute any prosecution in consequence? No. Did they present any memorial on the subject? No. Did they interfere in any way whatever respecting it? No. Was it not evident, then, that they were willing to allow a relaxation of the laws in which they alone were interested? Nor was this surprising: these laws were made at a time when a company was formed in the Austrian Netherlands, which the East India Company feared as a rival. This was at the commencement of the last century. In 1725, however, that company was suspended, and in 1731 totally abolished. Since that period, it was notorious that British subjects had been engaged in trade in the East Indies. What, in fairness, was to be inferred from the recommendation of the hon. captain, by the government of India, to the court of directors? Either that the government of India thought that they sustained no injury by the infraction of the law; or, if any injury had been sustained, that it was counterbalanced by the services rendered to the Company by the hon. captain. The only case at all analogous to that of the Etrusco, was that of the Walsingham packet, and of the Prince of Wales. In the former, half was given to the captors, and half to the original proprietors; in the latter, a third was given to the captors, and the remainder to the original proprietors. If the treasury had acted otherwise than they had done to the hon. captain, they would have made his case an exception. What he had received was not a reward for a violation of the law; it was a restitution of a small part of his depreciated property.—Adverting to the continuance of the hon. captain on the continent after the seizure of the Etrusco, of which circumstance such an unfair advantage had been taken by the hon. gent., he read the letter from the duke of York to lord Spencer, then at the head of the Admiralty, in which his royal highness described the extraordinary exertions of Mr. Popham when with the British army in Holland, and recommended him most strongly to be promoted to the rank of post-captain. He also read the answer of lord Spencer, who informed his royal highness, that he would take the earliest opportunity of complying with his request, and that he should feel the greatest satisfaction in promoting an officer who had deserved so well of his country. The present was a most serious accusation against the treasury board; against that great man (Mr Pitt), whose purity of character neither the voice of party nor the breath of calumny itself had ever attempted to sully. It was his pride and satisfaction to reflect that he had been publicly connected in the same administration, and that he had been honoured by the private intimacy of that illustrious character, who in the whole course of his splendid career had been distinguished by the most inflexible integrity, by the highest sense of honour, and by the most perfect devotion to the cause of his country. If the hon. gentlemen on the other side thought crimination and recrimination the best way of employing the time of the house, he could have no objection to it. If not, he could not see the object of the present motion. If they thought to gain a triumph over a former government, now that the right hon. gent. who had been at the head of it was no more, he might regret that their defence had fallen into such weak hands as his, but he must at the same time say, that the triumph was not founded in justice. He could declare with truth, that the right hon. gentleman alluded to could never have been induced to accede to such a measure from unjust motives. He also should not do justice to the gallant officer if he did not declare, that he had seen him uniformly actuated by a strict sense of integrity, the highest honour, and the utmost devotion to the service of his country.

Mr. *Calcraft* declared that he should never be deterred by the dread of recrimination from submitting what he esteemed it to be his duty to offer to the house. He was sorry the gallant officer could not be present; but as what he had to say would depend on the documents alone, he could easily inform himself on the subject. He had stated on a former night, that the appointment of that officer to be captain of the fleet under admiral Gambier had created the utmost disgust throughout the navy. He did not state so without documents on which to ground his assertion; and he thought he could not do better than read a letter which he held in his hand, addressed to admiral Gambier on this occasion. The hon. gentleman then proceeded to read a remonstrance to lord

Gambier, from admirals Hood, Keates, and Stopford, on the subject of that appointment, and contended that this document fully justified the expressions he had used on the former occasion. The hon. gent. was proceeding to some observations respecting the question relative to the Rochfort squadron, when he was called to order by

Mr. *Wellesley Pole*, who contended that there was no connexion between the observations of the hon. gentleman and the question before the house; at the same time declaring, that he was perfectly ready to meet the hon. gent. upon the topic to which he had referred, whenever it should be brought regularly before the house.

The *Speaker* observed, that as the expressions used by the hon. gentleman on a former occasion had been adverted to, he was perfectly in order in explaining these expressions, and the grounds upon which he had used them. It would be for the hon. gent. however, to decide how far his statement ought to be carried for the purpose of such explanation.

Mr. *Calcraft* was not disposed to proceed further on the subject, as his object had only been to shew that the case he had urged was supported by undoubted authority. He should conclude by declaring that, as the case of his hon. friend seemed to him to be fully made out, he should vote in support of his resolutions.

The *Advocate General* (sir John Nicholls) would not discharge his duty to the house, nor to the memory of that illustrious individual who was now unfortunately no more (Mr. Pitt), if he did not state to the house the grounds of the opinion upon which he had recommended the grant. Ever since this subject had been first mentioned, he had felt personally embarrassed with respect to the matter. It had been said, that the grant had been made upon a reluctant report from the king's advocate; but so far from that having been the case, the report concluded without expressing any opinion, which, on so novel a case, the law officers who signed the report were not competent to give. On so grave a question as the exercise of the inquisitorial power of that house respecting the expenditure of the public money, it was important to keep in view the object of the motion. That object was a censure on the conduct of a late administration for an improvident grant of money, in order to prevent a similar act in future. It was unfortunate for any individual to be the object of accusation in that house, but it was particularly unfortunate for him to be incidentally or collaterally the subject of charge, when the merits of a charge against government were made to depend upon his merits or demerits. This was more particularly the case when the accusation was founded, in part, upon letters which had been that night first read to the house. It was not strictly correct to call the grant in this case a misapplication of public money; it was the king's money; though he would not say that the house might not inquire into any improvident appropriation of such a fund. The grant was not a donation or a reward, but a remission of a forfeiture, and there had been many cases in which that house complained of the rigid enforcement of forfeitures. The exercise of justice with mercy, the prerogative of pardon, or remission of forfeiture, was one of the brightest jewels in the power of the crown, and which that house would be least disposed to interfere with. —Such was the character of the act: next was to be considered the character of the forfeiture. The Etrusco, on her return from Canton, had been detained and adjudged forfeit to the crown in the prize court, for a violation of the monopoly of the East India company. This had been the first case of the kind which had occurred; for, according to the laws respecting the East India company, the forfeitures are to that company and not the crown. And if ever there had been a case in which liberality should have been exercised with respect to the forfeiture, it was this. As judges, the house ought to take into its consideration what had been, at the time of this transaction, the state of the East India company. From the increase of their territory, they invited foreigners to engage in their trade, and even connived at British subjects embarking in it. The hon. officer who was the subject of this charge had been engaged in the trade in common with other British subjects and officers, and recognised as a British officer by the company's government in India, in the recommendation to the court of directors to apply for promotion for him to the admiralty, in consequence of his services. As to the charge of smuggling, it had never been urged in the whole progress of the cause by any of the advocates, nor even in capt. Robinson's memorial; the former had too much taste, and the latter was too much of a gentleman, to apply such a disgusting term to the circumstance of four or five out of 3900 chests of tea being delivered out of the ship at Dungeness, whilst the captain had gone on shore. He contended that by the loss of 30,000*l.* sir Home Popham had suffered sufficient punishment for the illegality of the transaction. His whole property in the vessel amounted to 63,000*l.* the government would give him back but 25,000*l.* and had restored to him but 18 or 19,000*l.*; so that he was a loser to the amount of 43,000*l.* Besides, it ought to be considered how far he had expiated, by subsequent services, this offence. The India company, insensible of any injury, had not prosecuted him; and though the public might be interested in this question, it appeared by the papers, that he had, on the relief of Tournay and Ghent, contributed to save much public property, as also to facilitate the retreat of the army. In consequence of these services he had been recommended by the commander in chief for promotion, to lord Spencer, who had expressed his satisfaction at promoting an officer that had performed such service to this country. Looking to such services, he was sure the house would not think of the voyage to the East Indies; and therefore he had no hesitation to say, that the grant was an act of justice on the part of his majesty. But it had been said, that it was an act of injustice to capt. Robinson. That officer, however, had had the enemy's part of the property, condemned to the captors; but could have no right whatever to that part of it, which, from belonging to a British subject, was forfeited to the king. Besides, the seizure of this vessel was not what ought to be called a capture, and the act itself, in the road of Ostend, had given rise to a question of territory which had not been decided for four years. The captors had their reward in the condemnation of M. De Piron's part of the legal property; and it was the fault of capt. Robinson, if he had not yet brought in a bill of costs that could be allowed, if he had not received them. On the whole, therefore, he thought the grant an act of justice to sir Home Popham, and that neither Mr. Pitt, nor his board of treasury, was deserving of censure for having advised his majesty to remit the forfeiture.

Mr. *Windham* said, before he went into the general question, he would set aside some of those abstract topics which had been urged as a kind of stoppage to inquiry. These topics were two in number; the first relating to sir Home Popham, the second to the treasury; casting blame upon both, he did not see how these two points could be separated; he could not see how the house could censure the application of the money, without at the same time censuring the hon. captain: it might as well attempt to separate the hon. captain from himself, as from the misapplication of which he was the cause. It was contended, however, that this went to cast blame upon a great man now no more; no person could so think who had either witnessed the progress of the transaction, or heard the way in which it had been opened that evening. It had been distinctly stated, that on the motion of an hon. baronet concerning the Droits of Admiralty, an objection had been made to the motion as not tending to instance any particular abuse which had existed; on which the hon. member who opened this debate, immediately instanced the case of sir H. Popham, and thus had the present motion originated. Now, surely, no person could say that any disrespect was meant to the late Mr. Pitt in this accidental occurrence. But even if it did cast any reflection on that great man's memory, it was not on that account to be abstained from.—The question had been so ably and so fully discussed by the hon. member who had opened the debate, that there was little left for him to remark upon: he wished however to notice what had fallen from the learned gent. who had last sat down, just to examine a few of his broad general principles. He sat out by attempting to extenuate the abuse, which, however, he admitted was illegal. Indeed, it was no very great concession, after it had been proved so by a decision of the court: the question then was, what had ministers done with the public money? Had they disposed of it venially? No; they even admitted it had been given to a culprit; but then, indeed, they wanted to diminish his offence, to bring him just a little below the fact of smuggling, he had only innocently landed five chests of tea—for chests read boats—for boats to that number had been seen plying to and fro the whole night. He did not, however, wish to descend to minutiæ; he would go at once on the broad principle of guilt, which was the illegal traffic. Of this there was substantial and tangible evidence—a deep, well-concerted, scheming, fraudulent system, such as never came more clearly before a court of justice! It was not, however, injurious to the country; at least the hon. captain did not think it was. What! was he, on his own self-sufficiency, to fly in the face of an existing charter, and judge, forsooth, what was or was not advantageous, contrary to the will and establishment of the legislature? Alas! we know what his self-willed course can lead the nation to already; we have fatally experienced a country plunged into unwished-for war, by the whim and caprice of his unrestrained and lawless direction. But one would think, on hearing the statement which had been made to-night, that capt. Robinson had been very well off to escape the sentence of a court-martial—for doing what?—merely his duty;—for catching the smuggler, as he had been ordered. Thus, the man who did his duty was ruined, while he who violated the law was enriched! But, says the advocate general, what has poor sir Home done?—Oh dear, luckless man, only a little innocent smuggling—only a little illicit traffic; that was all; and indeed, well did it deserve remuneration, while the conduct of the man who acted conscientiously was stigmatized! What, is that the way you deal with poor offenders? Is that the merciless rigour of your tyrannical revenue laws? Woe to the humble offender who comes under their cognizance! Woe to the mercy which will betide defenceless poverty! What was due to the hon. captain in this affair? Why, the most he could expect was mercy, indulgence, forbearance. And were those debts to be paid before the debt of justice due to capt. Robinson? Are we to give the guilty indulgence, while we punish the innocent. But it seems there is no precedent. Is there therefore to be no rule? The general plea of merit is then set up as a forlorn hope; and is this to be set up against capt. Robinson? Because there was no resistance made, is he to be punished, when we certainly know that to be the case as to him, which we as certainly know not to be the case as to sir Home—that he was innocent? It was, however, unfair to take the subsequent exploits of sir Home, and place them as a set-off against his antecedent guilt; and if we strip him of his subsequent honours, what shall we leave him? Oh! his achievements in Holland: these were of a mixed description—naval, military, and commercial; and in the commercial he was quite at home, standing on his own ground, too, near Ostend. Is it on account of these manœuvres, we are to reward him for his smuggling with 18,000*l.* and leave his captor destitute, without even sufficient to defray the sums which he expended in bringing the culprit to conviction? The East India Company, it seems, though, did not prosecute, and for a very good reason; because they saw him supported by men who had rendered them essential services, not on account of sir Home's personal merits—not because he chose to employ his leisure hours in an illegal trade—not on account of his ardent zeal, as it had been called by his friends, in the pursuit of gain. And here, he must remark, that this was not a very noble alternative for a naval officer to turn to—this generous thirst of making money even in a mercantile, honourable way, was not looked on very kindly by the navy as a resource for its officers: much less, he was sure, would it applaud downright and illicit smuggling.—As to the reference which had been made to Copenhagen, and the satisfaction his appointment gave—to all which had been said on that subject, the letters read by his hon. friend were as sufficient an overthrow as the fire of a line of battle ship would be to a cock boat. He deprecated the dreadful effects which the naval character must experience, from the impression which must be made on it, by decking out in laurels the degraded object of a court martial's censure—by giving to sir Home Popham a pension of 600*l.* per annum, while so many much more meritorous officers were left without distinction. He denied that lord Spencer's letter expressed any positive opinion of the hon. captain's merit, but merely stated his happiness that the duke of York had promoted so able an officer as he (the duke of York), conceived sir Home to be. This was, surely, no peremptory opinion of lord Spencer's, and it could not be expected that he was to fly in the duke of York's face, and tell him he was wrong. The right hon. gent. concluded, by declaring that he should vote this grant to be a misapplication of the public money; because it was degrading to the navy, setting a bad example to future treasuries, and giving fraud the retribution due to merit.

The *Chancellor of the Exchequer* did not feel it necessary to say much after the very able speeches of his right hon. and learned friends. He differed from the right hon. gent. who had spoke last, as to the propriety of separating the act of the treasury from the consideration of the merits of sir Home Popham, although he would admit, that there was a connection between both so far as the board of treasury had cognizance of the circumstances. But, was it possible by any torture of ingenuity, to apply to the conduct of the treasury what the right hon. gent. had said respecting Buenos Ayres? The right hon. gent. might introduce such an extraneous topic, but was it not for the purpose of exciting a prejudice against an individual, whose credit, honour, and character, were at issue? Was this justice, or was it candour? Though the hon. gent. who had brought forward this question, had declared, that he was actuated by a sense of duty in promoting an inquiry into the expenditure of the public money, and was reluctantly constrained to advert to the conduct of an individual, yet nine-tenths of his speech had been taken up with a personal attack upon that hon. officer. He would now suppose, for the sake of the argument, what he should afterwards deny in fact, that the hon. officer had been convicted of the illicit trade; and that the delivery of five or six chests of tea at Dungeness, 14 years ago, could be considered as an act of smuggling: was that a circumstance that could apply to a charge upon the government of Mr. Pitt? Or if a dilatory plea had been entered in the progress of an action upon the respondentia bond, was the house to feel so scrupulous, on the score of morality, as to take notice of it? Would it be considered criminal enough to attract the notice of that house, if a man were to turn round a corner of a street to avoid meeting a creditor? Were they to be called upon to expel from among them a person who might, so long as 14 years since, have been concerned in a smuggling transaction? However highly he valued the feelings which the right hon. gent. had alluded to, he could not agree that, in a time of peace, when the lieutenants of the navy had only a naked subsistence upon half-pay, any of them who might enter into the merchant service should be consigned to dishonour. It was injustice to sir Home to introduce these topics, when the charge was brought against the government: and they could not proceed to a censure upon an individual without following it up by some vindictive consequence. The substance of the charge was against the conduct of the late treasury, though there were many weighty phrases affecting the hon. officer, which the house could not agree to, unless coupled with some substantive charge against him. In the year 1795 the right honourable gent. did not think so lightly as he appeared at present to do of the services of the gallant officer in securing the retreat of the army; neither had the noble lord whose letter had been alluded to, and who had not forgotten those services so soon as the right hon. gent. It was not his intention to speak of capt. Robinson but with respect, yet the right hon. gent. seemed to exaggerate his services. The right hon. gent. had said, that that captain had been sent out with orders to detain the Etrusco. Had the right hon. gent. really read the papers upon which he was to decide as a judge? Could he say that any statement of such orders was to be found in these papers? [It was here said across the table, that the fact might be true though not in the papers.] Had, then, the right hon. gent. not only decided himself, but endeavoured to make the house decide upon a statement, which he did not know to be correct? Had he proceeded upon these grounds against an individual whose honour and character were at issue, and upon which he was to pronounce as judge? What had been done in this case, was every day done; and even, as his learned friend near him informed him, had taken place by a remission of forfeitures in nine different causes that day in the court of exchequer.—After stating the proportion condemned to capt. Robinson, and restored to sir Home Popham, the chancellor of the exchequer contended, that there never had been a case in which money was more properly assigned. If any gentleman could place his hand on his heart, and say, that he believed the government had acted from corrupt motives, he would vote for the censure. But he deprecated the general charge made by the right hon. gent. of the various instances of misapplication of these funds, as calculated to produce the most injurious consequences. After a few observations on the nature and circumstances of the traffic which had been charged as illicit, the right hon. gent. concluded by expressing his confidence, that the house would meet the Resolutions by a direct negative.

Mr. *Whitbread* said, that the ground on which the misapplication of 18,000*l.* was defended was, that large sums of money had been voted for other purposes; but extravagance in one respect was no vindication of prodigality in another. It was complained that the affair at Copenhagen was introduced as a sort of episode to these charges; and yet so fond was the gallant officer of taking a voyage thither, that before he proceeded to the East Indies in his narrative, he paid a visit to that capital. The plain truth of the case was, that the gallant officer was not a proper object of the public generosity, and in the chastest sense of the term corrupt, this money distributed to him was imprudently, improperly, and corruptly applied; and in fact he was in the situation of a guilty person by his own confession. He said, that by distress he was driven into Bombay; that there meeting with other traders engaging in illicit commerce under the same flag, he followed their example. Supposing a man were forced into Hounslow by a storm, and he were there to meet with some highwaymen who had taken shelter, would it be any justification for him at his trial that he had followed their example? Yet, such was the vindication hazarded by the gallant officer. This was not the only curious proposition with which the house was amused. The gallant gentleman said that while he was a British officer he was all honour, when he was a mercantile adventurer he was all interest. Such was his ingenious distinction, and yet while he was thus engaged in mercenary pursuits, he asserted that he was a loser of 40,000*l.* It might be a question, if the hon. gent. were worth 40,000*l.* at the period to which he adverted. What had been his situation in 1792? He had leave of absence for two years, but not returning, he was struck off the list. Afterwards he was restored to it, and introduced to a command which he held, he believed, contrary to the sense and inclination of the navy. Then he was tried; after his trial, he enjoyed a new and lucrative appointment, and now he had the honour of having the King's Advocate for his own. Besides all this, he had been complimented in the East Indies, welcomed at Lloyd's, distinguished by a foreign potentate, and had received a most flattering eulogy from his royal highness the duke of York. Notwithstanding all this weight and accumulation of honours, he must persevere in the opinion, that the public money had been misapplied, and that these resolutions ought to receive the sanction of the house.

After a short reply from Mr. Lushington, the house divided,

For the Resolutions	57
Against them	126
Majority	69

HOUSE OF COMMONS.

Wednesday, June 1.

[Budget—Loan.] The house having resolved itself into a committee of Ways and Means,

The *Chancellor of the Exchequer* said, that before he stated the terms upon which he had contracted for the Loan for the service of the present year, he should shortly recapitulate the different heads of Supply and of Ways and Means, viz.

Supplies.		£.
Navy		17,496,047
Army		19,439,189
Ordnance		4,534,571
Miscellaneous		1,750,000
East India Company		1,500,000
Swedish Subsidy		1,100,000
Vote of Credit		2,500,000
Total joint Charge		£.48,319,807
Separate Charges of Great Britain.		
Deficiency of Malt, 1806	275,845	
Interest on Exchequer Bills, 1808	1,400,000	
Exchequer Bills not funded	4,024,200	
Five per cents, 1797, to be paid off	153,696	
		5,853,741
Total Supplies		54,173,548
Deduct Irish proportion of Supply and Civil List		5,868,515
Total to be defrayed by Great Britain		£.48,305,033

Ways and Means.	
Duty on Malt and Pensions £.	3,000,000
Bank Advances	3,500,000
Unappropriated Surplus of the Consolid. Fund at 5th April	726,876
Estimated Surplus of ditto, to 5th April, 1809	3,500,000
Surplus, Ways & Means, 1807	2,253,111
War Taxes	20,000,000
Lottery	300,000
Exchequer Bills to be issued to replace Bills not funded	4,500,000
Do. for the East India Company	1,500,000
Exchequer Bills, part of 10,500,000*l.* charged on Aids 1809, to replace the like Amount on Aids 1808, which has been funded	1,161,100
Loan	8,000,000
	£.48,441,081
Supplies	£.48,305,033
Surplus of Ways and Means £.	136,048

After thus recapitulating the various heads of Supply and of the Ways and Means for the year, the Chancellor of the Exchequer proceeded to state to the committee the terms on which he had contracted for the Loan. The sum borrowed for England and Ireland was ten millions and a half, of which eight were for the service of this country. The whole sum was to be funded in the 4 per cents, and the contractors for every 100*l.* advanced to the public were to receive 118*l.* 3*s.* 6*d.* stock: so that the public paid for every 100*l.* capital, 4*l.* 14*s.* 6¼*d.* interest. In consequence of the loan of ten million and a half, there was a capital of debt created to the amount of 12,408,375*l.* from which, after deducting a proportion of 2-17ths for Ireland, making 2,954,375*l.* there would remain, as a permanent burden upon Great Britain, 9,454,000*l.* and an annual charge for interest of 475,536*l.* In addition to this, in consequence of the measure of funding four millions of exchequer bills, there was a capital debt created of 4,239,215*l.* and an annual charge for interest, including the sinking fund and management, of 253,247*l.* So that the sum to be provided for by taxes was:

For the Interest of the Loan -	£.475,536
For the Interest of Exchequer Bills funded - - - - - -	253,247
Making a total of -	728,783

For this Annual Charge he meant to provide in the following manner:

Short Annuities fallen in - -	£.375,000
Annual Saving on the Management of the Debt - - - -	65,000
Increase upon the Assessed Taxes	120,000
Stamp Duties - - - - - - -	170,000
	£.730,000

The Chancellor of the Exchequer next proceeded to state the effect which had been produced by the financial measures adopted in the course of the year, and contended, that from funding four millions of exchequer bills, when stocks were at 63½, and by borrowing ten million and a half in the four instead of the three per cents, there had resulted a saving to the public of four millions of capital debt; and that by the single measure of contracting for the loan in the four per cents. there was a saving of 3,100,000*l.* capital debt; and also a saving in the annual charge, of 2000*l.*; besides the advantage of being able to redeem the debt at comparatively a very inconsiderable loss. He concluded his statement with moving a Resolution, That it is the opinion of the committee, that towards providing the Ways and Means for the year, it is expedient to enable his majesty to raise eight millions by way of annuities for Great Britain, and two millions and a half for Ireland.

Mr. *Tierney* said, he observed, that there was one million of the loan for Ireland still to be provided for: 1,500,000*l.* was to be by loan from the Bank; but, he hoped the other million was not to be raised by exchequer bills, in which case there would be an issue, on that head, all together of six millions more than the ordinary grant. As to the loan, he congratulated the right hon. gent. on the terms on which it had been contracted; he was far from having expected any such: certainly, the terms were as good for the country as the public could have expected. He could by no means agree, however, that this advantageous bargain was to be attributed to the circumstance of its having been made in the four rather than the three per cents. Previous to the bidding, the four per cents. had stood at 84, odd; and, in contemplation of it, fell to 82½. He was, therefore, entitled to ask, would not the contractors for the loan have been disposed to make an equally good bidding in the three per cents.? Would they not be willing to contract in a stock they wished, rather than in one they did not wish to bid for? Nearly about the same sum would redeem the stock in the one fund as in the other. The right hon. gent. however, said there was a great saving, from his mode of contracting for the loan. There was so, as the right hon. gent. conceived it, but not as he (Mr. T.) viewed the question. There was, undoubtedly, a saving as to the one per cent. if the loan had been negotiated in the three per cents.; but, if this measure had been adopted, to answer the one per cent. there would have been a saving of 30,000*l.* per ann. As the bargain was, however, he again congratulated the right hon. gent. on the terms on which it had been contracted; and he congratulated the country on the pleasing consideration that there were men in it disposed to shew such confidence in the country as to conclude a loan on such terms.

Mr. *Huskisson* alluded to the terms on which the two funds might be redeemed; and argued, that the bidding in the four per cents. was, from that single circumstance, more advantageous to the country. He also argued, that by this mode, the sinking fund for the next year would be encreased rather than decreased, and would amount to 1-55th part of our whole debt. He stated, as the advantage to be derived from this circumstance in providing for the exigencies of the country, and of course lessening the deprivations to which the people were obliged to submit, that, where we formerly borrowed money at the rate of 8*l*. 7*s*. per cent. we now borrowed it at the rate of 4*l*. 14*s*.; so that there was here a saving of upwards of 3*l*. per cent. per annum.—After some further conversation between sir John Newport, Mr. Huskisson, and Mr. Tierney, the Resolution was agreed to.

[CONDUCT OF MARQUIS WELLESLEY—CARNATIC QUESTION.] On the motion of sir Thomas Turton, the order for resuming the adjourned debate on the Carnatic Question (see p 392), was read. No person rising to speak, the question was put on the first Resolution, and the gallery was cleared for a division; but Mr. Sheridan having suggested to sir T. Turton to withdraw his Resolutions of fact and distinct charges, in order to bring the whole matter more satisfactorily to issue on the general question, whether lord Wellesley's conduct in the transactions with respect to the Carnatic, was or was not consistent with justice, or with the character and honour of the British nation? a debate arose on this proposition, on which strangers were again admitted. When the gallery was re-opened,

Mr. *Wellesley Pole* was speaking. He had no objection to come to issue this or any other night upon any charge the right hon. gent. or any other person, might have to prefer against lord Wellesley. He would not sit silent when it was insinuated that his noble relative or his friends wished to stifle inquiry. It was no evidence of a disposition to blink the question, that lord Wellesley's friends were desirous to come to the vote without provoking a fresh debate. The debate on the former night had closed with a speech from an hon. member (colonel Allan), who had been an eye-witness of the transactions in the Carnatic, and who was in no way connected with lord Wellesley, declaring the whole of the matter contained in the charges to be gross and unfounded calumnies. In the full confidence not only of the innocence, but of the highly meritorious conduct of lord Wellesley, he was ready to meet any thing that the right hon. gent. (Mr. Sheridan) had to urge, however awful it may be to contend with the great talents and eloquence of that right hon. gent. matured and methodized on this question by a six years preparation. He knew the magnitude of the powers he should have to contend with, but in the cause of truth he should not be deficient in boldness. He knew he expressed himself warmly on this subject; but during the last six years, and more particularly during the last three years, he had exhibited, as every one must allow, no small stock of patience. He did not pretend to be so callous as not to feel indignation when the hon. baronet who brought these charges said, that lord Wellesley's conduct in India had been such as to convince him that no man could retain honour or honesty in that country. The hon. baronet, in thus expressing himself, only used his parliamentary privilege of freedom of speech, but he had gone to the full extent of that privilege in using language which he dared not use elsewhere. He contended, that the judgment of the house, however pronounced, after the discussion and investigation that had taken place, would be decisive of the case. If the decision should be unfavourable to lord Wellesley, he would bow to it as a fair condemnation; if it should be favourable, he would rely on it as a full and fair acquittal. He was convinced that lord Wellesley had been actuated by no principles but a regard for the honour and interest of his country; and in this conviction he boldly met those accusations, which, if he thought them at all founded in fact, he should shrink from, and hide his face at a distance from this house and from the society in which he had the honour to associate.

Mr. *Sheridan* regretted that the hon. gent. had so totally misconceived him. He had never said that that hon. gent. or any of his friends, were anxious to blink the question; but he had said the very reverse. He had said, too, what he would repeat, that moving the previous question was not the way to obtain for the noble marquis the honourable and satisfactory investigation so much wished for by his friends. It was not directly meeting the very serious charges brought against that noble lord. As to the part he took in the present question, the hon. gent. knew well that he could not be influenced by any other motive than a sense of public duty. As to the fraternal intemperance of the hon. gent. he was willing, if not to approve at least to overlook it; at the same time he denied that any thing had ever fallen from him that went to impeach the private moral character of the noble marquis; though he always thought, and was still of opinion, that that noble lord betrayed too often a mischievous ambition, that might be ultimately ruinous to the British interests in the East. He would repeat his wish, that the worthy baronet would wave his antecedent Resolutions, and come at once to the immediate point at issue, as to lord Wellesley's conduct with respect to the Carnatic.

Mr. *Wellesley Pole* stated, that when the hon. baronet had opened his Resolutions, an hon. friend of his (Mr. Wallace), gave notice that he would move the previous question on the Resolutions of fact, and a direct negative on the criminating Resolution, for which he proposed to substitute a resolution of approbation.

Sir *John Anstruther* thought it a most extraordinary proceeding, that after the course just stated should have been laid down in the presence of the right hon. gent. a fortnight since, and he had heard it, and was ready to speak on it without exception, he all at once came forward this night to reverse all that had been done, and substitute a general question. Nothing but the previous question would be a proper proceeding on some of the Resolutions. The others were to be met directly in the most decided manner.

Mr. *Wallace* felt himself warranted by the practice of parliament in proposing the previous question on the Resolutions of fact. To the criminatory Resolution he proposed a direct negative, to be followed up with a Resolution of approbation. There could be no question that a decision on these Resolutions would fully convey the sense of the house. The hon. baronet who opened the charge, and every other person who spoke on the question treated of it in its full extent.

Sir *Thomas Turton* considered that his Resolution ought to be agreed to without a question. On the fourth Resolution, which was criminating, he thought the house ought to go into a committee. Finding that the Resolutions were to be met in this manner, he should divide the house on every one of them; and on the fourth, criminating lord Wellesley, not personally, but in his acts, he should again state to the house his reasons for confirming the Resolution.

The question being called for, the house divided on the first Resolution. Two divisions then took place in succession. That on the first Resolution was

For the previous question -	102
For the Resolution - - -	18
Majority - -	—84

On the second Resolution, the numbers were

For the previous question -	109
For the Resolution - - -	21
Majority - -	—88

For about an hour after this strangers were excluded from the gallery. On our return we found

Mr. *G. Johnstone* addressing the house, and condemning in strong terms the conduct pursued towards the young prince of the Carnatic, Ally Hussian, who had been, for no crime, punished with greater severity than was merited by the guilty person who had preceded him; and no man could entertain a doubt as to the manner in which he came by his end, after he had been given into the power of another prince. It had been asked, whether the government of India would put a young man upon the throne of the Carnatic, who was suspected not to be cordially their friend? If there was any foundation for that argument, it was one of much greater validity for excluding Omdut ul Omrah. The father, who possessed his inheritance in the greatest splendour, had much more means of doing mischief than his son. An hon. gent. who spoke on a former debate had greatly misrepresented the fact when he said the Nabob of the Carnatic owed his power to the East India Company. At one time it was owing to the assistance the Company received from the nabob Wallajah, that our existence was preserved along the coast bordering on his territories, when the French attacked us near Fort St. David. It was said the nabobs were only a sort of lords, and that they had no authority in the country. The very contrary of this was the fact. The nabob was a legitimate sovereign, and the East India Company acknowledged him as such, by holding territory from him.—The hon. gent. then entered into a history of various transactions in India, to shew that it was contrary to the principles and practice of our government at former periods, to keep possession of the territory of native princes. At the conclusion of a war with Tippoo Sultaun, his territories, which we had taken possession of during hostilities, were restored to him. In opposition to this and other acts of a similar kind, was our own convenience to be set up a plea for injustice? The letters of lord Cornwallis had been quoted, during a former debate, in order to justify this proceeding. But the conduct of lord Cornwallis was that of his actually giving up the territory he possessed as belonging to the nabob; and was it not extraordinary that this act should have been quoted for the purpose of justifying an opposite conduct? The act to which the attention of the house was now called, arose out of a conviction, that to establish our dominion in the East, no part of the territories belonging to native princes should be suffered to remain in their hands. But he would ask if this system had answered in point of policy? Were we gainers by it, even in mere profit? No: the very reverse was the fact. As soon as we got possession of any additional territory in India, the establishment necessary to support it, had eat up the profit; and it was now a well-known fact, that we received less money, in point of revenue, from the extensive dominions in our possession, than we received when we held them from the nabob. It was evident, therefore, the system had not answered, either in policy, or in pecuniary advantage. As to security, we had acquired none: for every day proved that the vast extent of our dominions in the East, made the security less and less. If the house wanted an example, he would call to their recollection the mutiny at Vellore. It had always been the sentiment of lord Cornwallis, that it was only by moderation and justice that we could ever expect to render our dominions in Asia secure, and prevent those passions and heart-burnings which so frequently occurred in those distant possessions.

Mr. *Whitshed Keene* entered into a defence of the government of India, in depriving the nabob of his dominions; because he had shewn a manifest disposition to favour and aid the French. The greatest abuses, he said, existed in the Carnatic. The hon. member then went so far back into the history of the Carnatic as the year 1768, and pointed out such abuses as he thought rendered the interference of the India government highly necessary. He spoke at considerable length in exculpation of the noble marquis, and in favour of the previous question. He enumurated the important services he had rendered his country, which were manifest from the documents upon the table of the house, and he was convinced that from a fair consideration of the subject, the house must acquit the noble marquis of the criminal part of the charge. He contrasted the conduct of other governors of India, who had returned with unstained character, with that of the noble marquis, and contended that he, as well as they, was entitled to the approbation of his country. He was well persuaded that no other measures than those adopted by the noble marquis could have secured the fidelity of the nabob of Arcot; and he thought, from the peculiar circumstances of the country, he was fully warranted in the line of conduct he pursued. Any body who could trace the origin of our connection with the nabob, would observe that the actions of the noble marquis were marked by a degree of prudence and firmness highly becoming his situation in India.

Mr. *Grant* confessed he had little to say upon the general merits of the subject, after it had been so fully discussed by several gentlemen on both sides of the house; but as he understood that there were many other gentlemen who were anxious to debate the last Resolution, as well as himself, he should propose, from the lateness of the hour, to postpone the further discussion upon that branch of the question till an early day.—[A cry of go on! go on!]—The hon. gent. resumed, by observing, that the question, as it at present stood, was reduced simply to, whether in his conduct the noble marquis was actuated by a sense of justice, of necessity, or of policy. The hon. gent. then entered into a history of the interference of France, by sending agents to Tippoo Saib, which was held by the governors of India as a ground for their interference in the affairs of the Carnatic. He detailed the gradual series of encroachments made by the British government in the affairs and territories of the nabobs, until the period that we in fact assumed the sovereignty of their territory. In our first intercourse and treaties, we had considered that power as a principal; but at length, by our unjust encroachments, we became in fact ourselves the principals, and reduced them to the situation of vassals to ourselves. We deprived the sovereign of all his political consequence, and of the power he originally possessed. Such conduct on our parts might be reconciled to our policy, and those principles of aggrandizement which characterized all our acts of interference with the native powers of India, but it could neither be reconciled to principles of common justice or the law of nations. Although he admitted there were some irregularities on the part of the nabob, yet we ought to adhere in some degree to common justice, and not take advantage of a trifling act of irregularity of that power which we acknowledged as independent, and violate the laws of common humanity, by hurling the monarch from his throne. This was really a case in which we were more interested for our own advantage, than for the welfare of that unfortunate prince, in whose behalf we pretended to interfere. He would ask, what were the pretences upon which we interfered with the nabob? They were various. The first was, that he had violated the treaty with us, in refusing to procure us supplies of provisions and carriages. And from this it was inferred, that his views towards us, were hostile and declaratory of war. In his opinion, the nabob had acted in the most natural manner that a prince in his situation could do; and he was convinced that his conduct arose from the consideration of his peculiar situation, and not from any hostile disposition towards us: he acted as others had done on similar occasions. On another occasion it was said, he refused to advance money and troops to harrass his country. Now, really, when he heard such frivolous and contemptible pretexts for such oppressive conduct, he felt disposed to arraign the understandings of those persons who urged them. He defended the nabob from the charge, that in 1773 he evinced a hostile intention to the British government, because he did not take an active part in their wars, from motives of self-preservation and of common interest; and contended that the nabob of Arcot's conduct, during his intercourse with the East India government, was marked by a most faithful attachment to its interests, and by a steady adherence to the general terms of the treaties. In 1779, when there was a confederacy entered into among the native powers of India against the India government, what was the conduct of Mahommed Ali? Did he join in the confederacy, or did he even abet it? No: the very first intimation he received of the existence of such a combination, he communicated the information to the governor general, and strongly recommended the most speedy and effectual remedy for the consequences likely to ensue. Upon the subject of all these alleged charges he begged to say, that the government of India did not even think themselves justified in their conduct; but had determined, at all hazards, to seize upon the territories of the nabob, and had even expressed their determination so to do, long before they became possessed of those documents upon which they now grounded their right of interference with that power. With respect to the interpretation put upon the language in the correspondence of the nabob, prejudicial to him, as expressive of his intention of hostility towards the India government, he remarked that that interpretation was erroneous, and too literal. For it should be remembered, that this correspondence was in the Asiatic style of writing, whose principal characteristic was that of allegory and metaphor, and consequently the matter therein should not be appreciated according to the poetical figures, applied to express ideas, which, if taken in their literal sense, would convey a different meaning to what they really were. Under all the circumstances of this transaction, he contended that, admitting the nabob to be guilty of all these imputed crimes, yet the governor general had exceeded his powers, by neglecting to adopt those necessary forms to be attended to in a cause like this. His conduct was therefore illegal, and upon these grounds, and a great many more which he would not trespass on the attention of the house by enumerating, he supported the Resolution.

Mr. *S. R. Lushington.*—Mr. Speaker; differing as I do entirely from the hon. member who has just sat down, from the hon. baronet who opened the debate on a former night, and from the hon. member (Mr. G. Johnstone) who spoke from the floor, I shall state the reasons for that difference, for the consideration of the house. Without following each of those hon. members through the lengthened detail of their speeches, I shall endeavour to reply to the propositions they have laboured to establish, and which were, I believe, in abstract these: that in the beginning of the connexion between the East India Company and the family of Mahomed Ally, the Company were indebted to them for their preservation and protection in the Carnatic; that in the progress of that connexion, the Company received from Mahomed Ally repeated proofs of kindness and generosity; but that his government and that of his son and successor, Omdut ul Omrah, was distracted by the interference of the Company, and that war and misery resulted to the people from the ambition and usurpation of their governments: that after a long course of faithful and honourable alliance on the part of those nabobs, their posterity have been degraded without cause or justice: that this act of violence has carried its own punishment, for that we receive fewer resources by our possession of the Carnatic than we formerly derived from the willing hands of the nabob. Sir, believing, as I conscientiously do, that the exact reverse of these propositions is the truth; that the Company owe nothing to the father of Mahomed Ally; that to himself they were uniformly benefactors and protectors; that all the faith in the alliance with him was on their part, and all the treachery on his; and that after a long course of suffering and distress from his evil counsels, they have done what true policy, a just construction of the law of nations, and humanity to the people of the Carnatic, fully support; I shall explain to the house the grounds of this opinion. The misrepresentation which has been made of our situation on the coast of Coromandel during the administration of Anwar ud deen Cawn, renders it necessary for me to trouble the house with a short reference to our condition at that early period. Whoever has any knowledge of the records of the East India Company, or of our general history in India, must know, that for more than a century before the arrival of Anwar ud deen Cawn in the Carnatic, the Company had carried on a lucrative commerce on the coast of Coromandel. The emperor had granted to them a few villages in the vicinity of Madras and fort St. David; and his local officer, the nabob of Arcot, was bound by the emperor's sunnuds to protect, and did actually protect them, in their peaceful occupations. The integrity of their dealings excited the confidence of the natives, and the security enjoyed in their possessions soon attracted a numerous population; occupied in this tranquil manner, the Company coveted no other possessions; trade was the sole object of their institution, and their endeavours were confined to its advancement. But when Anwar ud deen Cawn arrived in the province, the Company were drawn from these peaceful pursuits, and compelled to engage in the turbulent scenes of war. Anwar ud deen Cawn, the father of Mahomed Ally, was charged by the nizam with the guardianship of the minor nabob of Arcot, Seed Mahomed Cawn. This youth was basely murdered in his palace, in mid-day, in a very few months after he was confided to the protection of Anwar ud deen Cawn; and this atrocious act of violence so soon succeeding the murder of Abdalla, cast a yet deeper stain upon the character of Anwar ud deen Cawn. The people of Arcot beheld this action with horror; they recurred with gratitude and affection to the mild and generous administration of the family of Seed Mahomed Cawn; and they saw in the violent death of this beloved youth, the termination of that fostering care which had so long protected them; they apprehended from the intrusion of a stranger into the government of the province, that spirit of ravage which too commonly distinguishes a violent and unjust possession. Unfortunately for the unoffending people of the Carnatic, these fears proved too true; for from that moment until the hour in which lord Clive signed the treaty which is now the subject of our deliberations, a period of near sixty years, the people of the Carnatic have been scourged with the plagues of war, famine, neglect, and oppression: but to the English East India Company the succession of Anwar ud deen Cawn proved, in its very beginning, nearly fatal. Dupleix, governor of Pondicherry, soon discovered that avarice was the ruling passion of Anwar ud deen Cawn, and he succeeded in obtaining his connivance in an attack upon Madras, which terminated in its capture by the French, when a large treasure, a vessel laden with valuable cloths, and all their shipping, fell into the hands of their enemies. In vain were remonstrances and intreaties addressed to Anwar ud deen Cawn; he adopted no effectual measures to redress those misfortunes which were accumulating upon the English under his eye; for he withheld that protection which he was bound by the sunnuds of the empire to extend to them. The only factory which remained to us was fort St. David; and although the army of Anwar ud deen Cawn under his two sons, Maphooz Cawn and Mahomed Ally, marched towards Pondicherry upon the plea of punishing the insult offered to the emperor's authority by the seizure of Madras, and actually made an attack upon a party of the French troops in the vicinity of fort St. David, Dupleix soon contrived to purchase their return to Arcot, and carried into execution his design of attacking fort

St. David. In vain was the most moving appeal again directed to Maphooz Cawn and Mahomed Ally in this extremity of the English affairs; ineffectually were such sums of money as were then left, offered for their continuance in the neighbourhood until the English fleet should return, or even for a period of ten days. The French used the treasure they had seized at Madras in bribing higher, and the army of Anwar ud deen returned to Arcot. Happily, however, the English fleet, this nation's best hope in every crisis of her affairs, appeared in the roads of fort St. David, and dispelled the gathering destruction. Such was the nature of the assistance and protection which the English received from the first of the family of Mahomed Ally, and which the honourable member (Mr. Johnstone) has spoken of in such terms of approbation; but when he shall have consulted the records of those times with more diligence, he will find that the confidence of the Company's servants, and the treachery of Anwar ud deen Cawn, involved them in almost irremediable misfortune, from which he left them to extricate themselves. Anwar ud deen had, however, very soon reason to repent his desertion of the English; it left the French at liberty to combine with the relations of Seed Mahomed to avenge his murder; and in a battle fought against a confederated force under Chunda Sahib, supported by the French, Anwar ud deen was slain by a soldier in the French service, his army routed, his eldest son Maphooz Cawn taken prisoner, and his second son Mahomed Ally fled with a single attendant to the fortress of Trichinopoly, one hundred and fifty miles distant. At this desperate moment Mahomed Ally, who was only the second son of his father, set out upon the speculative idea, which the turbulence of the times induced him to form, of succeeding to his father; but possessing neither treasures, troops, nor title, he had no reasonable prospect but to defend Trichinopoly with the few adherents whom he could collect, until he should be able to make some terms with his enemies. They were supported by a victorious army, ample funds, and powerful connections; whilst he had no chance of succour but from the English; and even that support which he might have expected to receive from their known hostility to the French, he could hardly hope to derive, after his father's desertion of fort St. George and fort St. David still strongly impressed on the minds of the sufferers. He applied for aid to the Company's government with doubt and diffidence, and it was at first granted in a very limited degree; but Mahomed Ally's poverty and distress, which shut out every other hope of relief when disappointed of the assistance of the soubah, together with the progress made by the French in the Carnatic, induced the Company's servants to espouse his cause more warmly. But notwithstanding the aid he derived from the Company, the ill success of his undisciplined rabble, in some excursions which they rashly made from Trichinopoly, rendered his prospects of success so hopeless, that he formally proposed to retire from the country and relinquish his pretensions to the Company; he offered to deliver over the whole of his countries to the Company's sole disposal, provided they would allow him an annual income of two lacs of pagodas, and that he would bind himself and his heirs to the agreement for ever. But the Company refused to take advantage of an offer which was urged by his distresses; they chose rather to preserve inviolate their reputation for uprightness and generosity (which in the language of the nabob was 'as the brightness of the day'); they trusted to his gratitude for remuneration when he should be liberated from his difficulties, and be free to act from the spontaneous impulse of his mind. They accordingly rendered him every assistance which their counsel, their troops, and their treasures, could supply; and after an eventful war of fifteen years, they established him in the government of the Carnatic, at a vast expence of British blood and treasure. I shall now, sir, advert to the manner in which Mahomed Ally discharged this debt of gratitude. The ambition which had only slumbered in his breast during adversity, awakened with renovated strength after he had subdued all his enemies. He avowed the design of becoming soubahdar of the Dekan; and when he found that to assist schemes of foreign conquest and aggrandisement, and of internal oppression, was contrary to the wise policy of the Company's local governments, he endeavoured to undermine their authority by bribery and intrigue. In the pursuit of this purpose he bought over the worst servants of the Company, with the revenues of those countries which the British arms had acquired and delivered up to him; and he obstructed the counsels and conduct of their better officers by every sort of counteraction and defamation. On one occasion he raised a faction that destroyed the lawful government of the Company; and the uniform principle of his policy was, to pay those who were too low in pride or in principle to refuse money, in exact proportion to the value of those interests of the Company which it was in their power to sacrifice. In elucidation of this statement I shall here read to the house a record of the transactions of those times, before which the hon. gentleman opposite (Mr. Windham seconded the speech of Mr. Burke from which the following extract is made) must bow with deference and respect. 'Every man who opposes the government and its measures finds an immediate countenance from the nabob: 'even our discarded officers, however unworthy, are received into the nabob's 'service. The nabob is in a great degree 'the cause of our present inability (Oct. '11, 1769), by diverting the revenues of 'the Carnatic through private channels.' In speaking of the nabob's conduct, 20th July, 1778: 'No sense of a common danger 'in case of a war could prevail on him to 'furnish the Company with what is absolutely necessary to assemble an army; 'though it is beyond a doubt, that money 'to a large amount is now hoarded up in 'his coffers at Chepauk, and tunkaws are 'granted to individuals upon some of his 'most valuable countries. The creditors 'inspired into the mind of the nabob of 'Arcot (then a dependant on the Company, 'of the humblest order) a scheme of the 'most wild and desperate ambition that 'I believe ever was admitted into the 'thoughts of a man so situated. First, they 'persuaded him to consider himself as a 'principal member in the political system 'of Europe; in the next place, they held 'out to him, and he readily imbibed, the 'idea of the general empire of Indostan. In 'pursuance of this project, they extinguished the Company as a sovereign 'power in that part of India; they withdrew the Company's garrisons out of all 'the posts and strong holds of the Carnatic; they declined to receive the ambassadors from foreign courts, and remitted them to the nabob of Arcot; they 'fell upon, and totally destroyed, the oldest ally of the company, the king of Tanjore; and plundered the country to the 'amount of five millions sterling, one after 'another, in the nabob's name, but with 'English force, and brought into a miserable servitude all the princes and great 'independant nobility of a vast country. 'In proportion to these treasons and violences, which ruined the people, the fund 'of the nabob's debt grew and flourished.' And let not the whole odium of these measures fall upon the creditors, to the exclusion of his highness: they were in perfect concordance with the feelings and wishes of his mind. Upon this subject let us again hear what Mr. Burke has said. 'But the gentlemen on the other side of 'the house know as well as I do, and they 'dare not contradict me, that the nabob 'of Arcot and his creditors are not adversaries but collusive parties, and that the 'whole transaction is under a false colour 'and false names. The struggle is not, 'nor ever has been, between their rapacity 'and his hoarded riches: no; it is between him and them combining and confederating on one side, and the public 'revenues and the miserable inhabitants 'of a ruined country on the other; these 'are the real plaintiffs and the real defendants in the suit. Refusing a shilling 'from his hoards for the satisfaction of any 'demand, the nabob of Arcot is always 'ready, nay he earnestly, and with eagerness and passion, contends, for delivering 'up to these pretended creditors his territory and subjects. It is, therefore, not 'from treasuries and mines, but from the 'food of your unpaid armies, from the 'blood withheld from the veins and whipped out of the backs of the most miserable of men, that we are to pamper 'extortion, usury, and peculation.' But the most wretched of the consequences which resulted from the infatuated counsels and intrigues of Mahomed Ally, was the sanguinary warfare with Hyder Ally; and which the honourable baronet (sir T. Turton) has most erroneously charged as one of the crimes of the Company's government towards Mahomed Ally, as if his intrigues had not been the principal cause of that calamity. (Sir T. Turton here rose and appealed to the house whether he had made use of this expression.) Mr. Lushington resumed:—Sir, if I have mis-stated the observations of the hon. baronet, I sincerely beg his pardon; but when the house considers the length of that hon. baronet's speech (more than four hours), it is as probable that he should have forgot some expressions of it as that I should; certain however I am, that the statement which I have made was the impression which this part of his speech left upon my mind; and the general impression which his speech made upon me was this, that under the guise of a meretricious sensibility, he was the pander to the most licentious system of corruption and misrule that ever disgraced the name and authority of this country. Sir, my opinion that the invasion of Hyder Ally was in a great measure attributable to Mahomed Ally's councils, is derived from Mr. Burke, and I shall here read that passage of his works to the house. 'From that time forward a continued plot was carried on within the divan, 'black and white, of the nabob of Arcot, 'for the destruction of Hyder Ally. When 'at length Hyder Ally found that he had 'to do with men who were the determined 'enemies of human intercourse itself, he 'decreed to make the Carnatic an everlasting monument of his vengeance; then 'ensued a scene of woe the like of which 'no eye had seen, no heart conceived, and 'which no tongue can adequately tell; all 'the horrors of war before known or heard 'of were mercy to that new havoc.' I will not wound the feelings of this house by quoting this description more at large; but I can assure them, from personal observation, and from the sad tales of some who survived the plagues of war and famine, that this is not the language of poetry or fiction; it is a real picture of the most dreadful series of misfortunes that ever afflicted mankind. And what was the conduct of the nabob of Arcot, whilst this hurricane of misery was raging? Did any compunctious feelings of conscience for the evils which he had brought upon his people, produce any change in his infatuated counsels? Did he shew any disposition to repair his former wickedness, or to repose in sincere alliance and confidence upon the Company's government? The opportunity of returning to a better estimation of his duties and interests was peculiarly favourable, for the nobleman who then administered that government would have upheld him in every wise and virtuous resolution; this, however, did not consist with his highness's views. In an hour of alarm he had consented to transfer the management of his country to lord Macartney; but he soon removed every claim of merit founded upon this concession, by a system of counteraction that obstructed much of that benefit which had otherwise been derived from it. Sir, my hon. friend (colonel Allan) who spoke from this side of the house in the former night's debate, traced with so much accuracy and ability the course of lord Macartney's conduct and sentiments in regard to Mahomed Ally and the Carnatic, that I will not trespass upon the time of this house, or weaken the force of his arguments, by any further references to that period. I shall advance in my statement to the year 1787, when our connection with Mahomed Ally assumed a more definite shape. In that year sir A. Campbell entered into a treaty with the nabob, prescribing in explicit terms the duties of the two contracting parties. The Company was solely intrusted with the military defence of the Carnatic, and the protection of the nabob from all his enemies. The nabob was bound to provide from the revenues an annual subsidy of nine lacs of pagodas, to be paid to the Company, and twelve lacs on account of his creditors; and to put a stop to those mischiefs which had arisen from his intrigues and emissaries in the courts of native states in India, a clause was expressly introduced as follows; 'His highness will not enter into 'any political negotiations or controversies 'with any state or power without the consent or approbation of the president in 'council of Fort St. George.' From this period until 1790, Mahomed Ally held the Carnatic under this treaty; at that time lord Cornwallis engaged in the war against Tippoo Sultan, and at the close of it restored the country to the nabob, subject to the conditions of the treaty of 1792, which is now the object of our deliberation. With the permission of the house, I will read the preamble of that treaty, as the best explanation of lord Cornwallis's intentions in making it. 'Whereas a certain engagement was entered into between the hon. 'English East India Company and his 'highness the nawaub of the Carnatic, 'bearing date 24th February 1787, for 'the purpose of cementing an everlasting 'friendship with each other, and of contributing mutually towards the defence 'of the Carnatic and countries dependant 'thereon; whereby it was stipulated that 'the said Company should maintain a 'military force, and that the said nawaub 'should pay annually a certain sum of 'money arising from the revenues of the 'Carnatic, and should furnish sufficient and 'satisfactory security, under certain conditions expressed in the said engagement, 'for the regular payment of the sum stipulated to the said Company; and whereas 'it appears by the representations of the 'said nawaub, that the resources of the 'Carnatic are not competent to enable him 'to perform the stipulations in the said engagement; and whereas it further appears that the security which the said 'nawaub agreed in the abovementioned 'engagement to furnish for the due payment of the stipulated sum to the Company, is in its nature inadequate to the 'end intended; wherefore the engagement aforesaid shall henceforth be considered by the contracting parties as annulled, and in lieu thereof the following 'articles agreed to.' From this preamble to the treaty of 1792, it will be seen, that in forming a new treaty with Mahomed Ally, lord Cornwallis had two principal objects in view; first, the generous one of relieving the nabob from a payment which he believed burthensome to him, and his lordship accordingly reduced his annual payments from twenty-one to fifteen lacs of sicca pagodas; secondly, to obtain a real security for the payment of the subsidy to the Company in all time to come. The security provided was the mortgage of particular districts, which were to be taken by the Company in the event of failure; and that these districts might not be injured by that system of extortion and usury by which the people had been so cruelly oppressed, and the Carnatic so much exhausted, it was stipulated that his highness should not, on any account, grant tunkaws, and in order to render the breach of this part of the treaty more improbable and difficult, it was further stipulated, that any tunkaws which might be granted should become void, in event of the districts coming into the Company's hands; thus providing a double security against the violation of this article of the treaty: the first part of the clause pledging the nabob's faith as our ally, the last part operating on the fears of the money-lenders. The importance which lord Cornwallis attached to the security provided by the clause of the treaty here alluded to, and to the preservation of that security from acts of injury and waste, is sufficiently shewn by the relinquishment of six lacs of pagodas annually. This large cession had been unjustifiable on any other ground, but if the nabob had fulfilled this part of the treaty it had been well bestowed. The evils which had arisen from this system in past times were well known to lord Cornwallis, and his humane mind anxiously desired to prevent the possibility of their recurrence. We know what a scene the Carnatic had presented during these operations; they had been described by Burke in the following words: 'In consequence 'of this double game, all the territorial 'revenues have, at one time or other, been 'covered by those locusts the English 'soucars; not one single foot of the Carnatic has escaped them, a territory as 'large as England. During these operations, what a scene has that country presented! The usurious European assignee 'supersedes the nabob's native farmer of 'the revenues, the farmer flies to the nabob's presence to claim his bargain, 'whilst his servants murmur for wages and 'his soldiers mutiny for pay; the mortgage to the European assignee is then 'resumed, and the native farmer replaced, 'again to be removed on the new clamour 'of the European assignee. Every man 'of rank and landed fortune being long 'since extinguished, the remaining miserable last cultivator, who grows to the 'soil, after having his back scored by the 'farmer, has it again flayed by the whip 'of the assignee, and is thus by a ravenous, 'because a short-lived, succession of claimants, lashed from oppressor to oppressor, 'whilst a single drop of blood is left as 'the means of extorting a single grain of 'corn. Do not think I paint; far, very 'far from it; I do not reach the fact, nor 'approach to it; men of respectable condition, men equal to your substantial 'English yeomen, are daily tied up and 'scourged to answer the multiplied demands of various contending and contradictory titles, all issuing from one and the 'same source. Tyrannous exaction brings 'on servile concealment, and that again 'calls forth tyrannous coercion; they 'move in a circle, mutually producing and 'produced; till at length nothing of humanity is left in the government; no 'trait of integrity, spirit, or manliness, in 'the people.' It was under impressions such as are here described, that lord Cornwallis had written to the court of directors in the year 1790, in the terms quoted by my honourable friend (colonel Allan) in the former debate; and after two years further experience and local observation of the state of the Carnatic, lord Cornwallis determined to relinquish six lacs of pagodas annually to the nabob, without acquiring any other concession for the Company than the following clauses, intended to put an end to that clandestine influence which the worst Europeans had so long exercised at the durbar, and the right to collect the poligar tribute at the Company's own expence and risk. 'In consequence 'of this measure, whereby the districts 'mentioned in the schedule No. 2, become 'responsible for any arrears that may ac'crue in the payment of the above stipu'lated kists, the said nawaub agrees that 'he will not grant tunkaws or assignments 'on any account on the revenues thereof; 'and if, contrary to this condition, any 'tunkaws or assignments should exist when 'the said districts or any of them shall be 'assumed by the said Company, such tun'kaws or assignments shall be declared by 'the said Company and the said nawaub 'to be of no value, nor shall they remain 'in effect.' It appears to me quite evident, as I have already stated, that the intention of lord Cornwallis in framing this clause was, first to bind the faith of the nabob against the breach of it, and secondly to operate upon the fears of the tunkhadars, so as to restrain them from encouraging the nabob to the secret violation of it. But the men who had established an usurious connection at the durbar, saw from the moment that the treaty of 1792 was published, that the faithful execution of these clauses would destroy their profit, by putting an end to that secret influence which had so long alienated the nabob's confidence from the local government of the Company, and precluded the possibility of any reform in his administration: it was therefore suggested to the nabob, that as the clause contained a specific penalty which attached only upon the money-lender, his highness might break his faith with the Company without fear of any evil consequence to himself; and as he had always contended with eagerness and passion for delivering up to his pretended creditors his territories and his subjects, he again indulged in this inveterate habit. The calamitous process of these tunkaws has been most ably and minutely described by lord Hobart, who was continually embroiled with the durbar and its agents on account of the breach of this part of the treaty. Whoever has read the minute and the letter of lord Hobart to the court of directors, dated 15th September 1792, will recollect, that lord Hobart regarded the granting of these tunkaws by the nabob as a fundamental violation of the letter and spirit of the treaty of 1723. Nor was his lordship singular in this opinion; I speak from personal knowledge when I say, that all the best servants of the Company entertained the same opinion; and we know that the government at home and the court of directors, fully concurred in this conclusion, as appears from many of their public dispatches, and particularly the following, dated 5th June 1799, to the government of fort St. George. 'We have been ad'vised by the earl of Mornington, that the 'nabob continues to oppose a determined 'resolution to the modification of the trea'ty of 1792, which has been repeatedly 'proposed to him. At the same time we 'observe that his highness has distinctly 'acknowledged that he is in the practice 'of raising money annually by assignments 'of the revenues of those districts which 'form the security for the payment of the 'Company's subsidy. As this practice is 'unquestionably contrary to the letter, 'and subversive of the spirit, of that trea'ty, we direct, that immediately upon the 'receipt hereof you adopt the necessary 'measures for taking possession in the 'name of the Company of the whole or 'any part of the said districts, the revenue 'of which shall appear to be so assigned; 'and that you continue to hold the same, 'and collect the rents thereof, in order that 'the Company may not in future be de'prived of the only security which they 'possess under the before-mentioned trea'ty, to answer any failure in the nabob in 'the discharge of his subsidy: you will 'immediately communicate to the nabob 'the determination we have come to, and 'the orders you have received relative to 'this point.' I have entered into this detail to shew, that the interpretation subsequently put upon this article of the treaty (and the conduct of Omdut ul Omrah in regard to it) by marquis Wellesley and by lord Clive, was not an arbitrary or hasty construction of those noble lords; but that it was the impartial concurring judgment of the Company's best servants at fort St. George, of lord Hobart, of the court of directors, and of the board of controul, for a period of 7 years. If, therefore, the arrangement made with Azeem ul Dowlah upon the death of Omdut ul Omrah, and the absolute refusal of Ally Hussein to give the Company a security against the future breach of the treaty of 1792, had rested on this ground alone, I should have contended that it was warranted by the letter and spirit of the instructions transmitted by the court of directors to India (who had also expressly ordered that the country should not be restored to the nabob in the event of war, until a better arrangement could be made with him); that it was justified by the law of nations, and the duties of humanity to our fellow-creatures.—But the house know that the arrangement made with Azeem ul Dowlah, is supported also upon other grounds: I mean of course the treacherous correspondence discovered at Seringapatam, coupled with the embarrassments opposed by the nabob to the collection and movement of our supplies during the last war with Tippoo. I shall now briefly examine that evidence. This part of the question has already received a very ample discussion in India, where every argument and objection could be best felt and appreciated. It has been carefully investigated by men possessed of that knowledge of the Eastern languages and manners, which rendered them peculiarly fitted for this trust; men whose characters were never tainted by the breath of slander until the hon. baronet delivered his speech in the former debate; and who, far from deserving such treatment, are entitled, for their public honour and public usefulness, to the protection and applause of this house. The right hon. member who spoke second in this debate on a former night, delivered his sentiments with so much perspicuity and judgment upon the nature of this evidence, that I shall confine my remarks to those impressions which local knowledge, and a tolerable acquaintance with Persian correspondence, have suggested to me during the examination of it. In doing so, I shall follow the order in which the correspondence is recorded; not imitating the example of the hon. baronet, who in pursuit of his purpose of throwing a ridicule upon this evidence, thought fit to postpone the burden of examining the cypher (which he knew to be the document of the most hostile tendency, and essentially necessary to give the true meaning of certain passages in other letters) until he had slurred over all the other documents. In examining the first number, I am reminded that the honourable director, in adverting to this evidence, stated that nothing could be more unjust than to attach any imputation upon the character or truth of Wallajah or Omdut ul Omrah on account of this correspondence, since the parts regarded as most obnoxious were communicated in the presence of lord Cornwallis and sir William Medows. Sir, it is evident to me that the honourable director has not accurately examined this correspondence. Those professions where Wallajah attempts to raise himself in the estimation of Tippoo by a gross calumny against the British government, his ally, were not made in the presence of lord Cornwallis and sir Wm. Medows, nor was any part of the correspondence communicated to either of them. The instance to which I allude, is where Wallajah speaks of the war undertaken by lord Cornwallis against Tippoo sultan in the year 1780. Wallajah knew perfectly well that lord Cornwallis had engaged in that war from the generous resolution of protecting our helpless ally the rajah of Travancore; and yet Wallajah tells Tippoo Sultan's vakeels, 'May 'God long preserve Tippoo Sultan, who 'is the pillar of the religion of Mahomed! 'Night and day I used to be absolved in 'this contemplation, and to pray for his 'highness's prosperity; I call God to 'witness this fact, because the confederacy of their allies was for the subversion of the Mahomedan religion. It 'is solely to be attributed to the divine 'goodness, that the prayers of us sinners have been accepted; believe it 'true that I from my heart desire the 'welfare of the sultan.' Three days afterwards, when lord Cornwallis and sir W. Medows were present with the vakeels, Wallajah took occasion to observe, 'that 'we (the vakeels) considered him to have 'been an enemy; whereas he declared 'in the presence of God that he was not, 'and is not; that on the contrary he was 'a friend and well-wisher; and that he 'had opposed the breach between your 'majesty and the allied states to such a 'degree, that every one decided in his 'own mind that inwardly your majesty 'and his highness were one; and he desired us to ask lord Cornwallis and sir 'W. Medows, who were present, whether 'he said true or not.' Every person acquainted with the situation of Wallajah, knows that he did oppose the war, and the cause of that opposition. We know he feared, if war did take place, that lord Cornwallis would be necessitated to assume the temporary possession of the Carnatic; and rather than this should happen, Wallajah was perfectly willing and anxious that the rajah of Travancore, like himself a helpless ally of our government, should be abandoned by the British government to the violence of Tippoo. Let those who are acquainted with the mind of lord Cornwallis judge what would have been his feelings, if Wallajah had told the vakeels of Tippoo in his lordship's presence, that he had attacked their master, not in defence of the rajah of Travancore, but to subvert the Mahomedan religion. This communication was however made by Wallajah, but to the vakeels in secret, not in the presence or with the knowledge of lord Cornwallis; far therefore from considering the offensive nature of the first speech to the vakeels on the 10th of June, as done away by that made in the presence of lord Cornwallis on the 13th of June, or that any part of the criminality of the whole of this correspondence is explained by any communication that took place with the knowledge of lord Cornwallis, it appears to me that the reference made to lord Cornwallis and general Medows in the presence of the vakeels, was one of those studied contrivances in which his highness was so fertile, and by which he endeavoured to gain, by general professions of friendship for Tippoo in the hearing of lord Cornwallis, the confidence of the vakeels in his previous defamation of his lordship's motives for entering into the war. In the few remarks which the hon. baronet bestowed upon the cypher, he declared that the use of such instruments was a common occurrence in India; and that it was impossible to conceive a cypher like this, so simple and limited in its expressions, capable of being intended or used for any treacherous or hostile purpose. I certainly differ entirely from the hon. baronet in his opinion of the frequent use of cyphers of this description in India; in the affairs of private life such instruments never are used, and even in political transactions the use of a cypher is a very rare occurrence. But the hon. baronet would prove nothing by proving the use of such cyphers in political correspondence in India, because Wallajah and Omdut ul Omrah were wisely interdicted by the treaty of 1792 (as they had been by the treaty of 1787) from 'entering into any negociations or political 'correspondence with any European or 'native powers without the consent of the 'said Company.' It has, however, been suggested, that this cypher was intended to conduct a marriage between the families of Tippoo and Wallajah. I will not detain the house by going into all the reasoning founded upon other parts of the evidence, written and oral, to shew the absurdity of this proposition; but I will state plainly upon a view of the cypher itself, the utter impossibility of applying it to any purpose of marriage. The only expression in it which might lead to such a supposition in the mind of a person ignorant of eastern manners and languages, is the word 'ring;' but as a ring is not used in eastern marriages, it can have no reference to that ceremony. Rejecting therefore this absurd, irrational proposition, which is directly contradicted by the evidence of the vakeels, and all the circumstances so forcibly stated by the right hon. gent. (Mr. Wallace) in the former debate, I must look for a different explanation of the intention of this cypher. Upon the first view of this document, the opprobrious terms in which the three allies are designated, cannot fail to strike attention; but it has still been asserted to be so limited as to preclude the use of it in any matter of policy or secrecy. This assertion made a due impression upon me when I first heard it; and I felt it my duty to put it to the test by composing a letter that should describe an atrocious intention (such as the massacre at Vellore), and then endeavour to render it into the language of this cypher, so that it would be unintelligible to a person not possessed of it, and easily understood by a person having the cypher. I can assure the hon. gent. opposite that I found no difficulty whatever in applying this cypher in this manner, and further that this sort of metaphorical cypher best corresponds with the genius and character of the people. The next document which was particularly objected to by the hon. baronet was, the translation of a copy of a letter of Tippoo Sultan to Wallajah, in which some of the terms are actually used. The hon. baronet asked, as this was only a copy of a letter, 'who could say that the original 'was ever sent? it might have been com'posed by Tippoo for amusement, and 'honourable members in this house well 'know that themselves sometimes com'posed letters which they did not after'wards send.' Sir, when I recollect the manner and the place where this letter was found, that it was discovered in the office of Tippoo Sultan, and when I recollect the remarkable regularity of the sultan in matters of business, I cannot subscribe to the puerile idea of the hon. baronet, that this letter might have been composed for amusement. The honourable baronet, and others of us, may write letters, or compose speeches intended to be spoke, and which we have no opportunity of speaking; but in affairs of state, when I find in an office of state a copy of a letter sent, I cannot reconcile to my mind the absurdity of denying all credit to it because it might not have been sent. This sort of objection may be very proper in a court of law; but I trust that those who have to guard the safety of this country from foreign treachery, will not wait for this sort of evidence before they act against impending danger. The objection made by the hon. baronet to the next number was, I think, of a nature equally unreasonable. It is a translation of a copy of a letter from Tippoo Sultan to Omdut ul Omrah, the nabob of the Carnatic; and as this letter is dated 29th November 1792, when Omdut ul Omrah was not nabob of the Carnatic, this circumstance made the letter look to the honourable baronet like a forgery. The hon. baronet dwelt very largely upon this point; but divested of all the inflated language in which he represented it, the matter is very simple. The title given to Tippoo Sultan and Omdut ul Omrah, is probably not one tenth part of the original Persian title; the title must be regarded as the arbitrary act of the translator, who did not chuse to waste his time in translating all the nonsense of these titles; but knowing that Omdut ul Omrah was nabob of the Carnatic at the time he was translating the letter, he gave him the title which he then possessed: such is the obvious solution of this great mystery. The next letter which I shall notice is No. 11: it is from the vakeels of Tippoo to their master, where Omdut ul Omrah says: 'You will give my respectful compliments 'by way of remembrance to his majesty, 'and inform him that he may consider me 'from my heart attached to him; and that, 'please God, at a proper occasion, my fi'delity towards him shall be made mani'fest to him.' Sir, I am disposed in the examination of this correspondence to make the largest allowance for the exaggerated professions of friendship which the natives, and particularly the princes, of India, are in the habit of making to each other; but when those professions are accompanied by actions, we can no longer doubt the sincerity of the intention. I remember what anxiety the British government suffered from the treacherous conduct of Omdut ul Omrah, in promising money which he afterwards withheld, and from the hostile obstructions of his affairs to our supplies in the war against Tippoo in 1799; and I do firmly believe that he did then fulfil the professions which he had made in 1792 to the sultan to the utmost limit of his power, consistent with the prudent concealment of his purpose from lord Wellesley's discernment. The hon. baronet treated with a considerable degree of ridicule, 'a translation of a note written with 'a pencil upon a half-sheet of post-paper, 'with an envelope of English paper, by his 'highness Omdut ul Omrah, apparently 'addressed to Gholam Ally khan.' This letter, though signed Gholam Hussein, was imputed to Omdut ul Omrah, and without any evidence was assigned to Gholam Ally khan. These objections of the hon. baronet's are carefully removed: Omdut ul Omrah often signed the name of Gholam Hussein to his letters, and frequently made use of English paper and a pencil. I have myself received a letter of this description from him; and Mr. Edmonstone, the translator, than whom perhaps there never was a gentleman in India more skilful in Persian writing, knew Omdut ul Omrah's hand-writing perfectly well. In regard to the letter being apparently addressed to Gholam Ally khan, it is almost impossible to assign it to any other person. From the contents of the letter, it was cordially addressed to a syeed in the confidence of Omdut ul Omrah, about the person of Tippoo, and connected with Ally Rizza Cawn: such was Gholam Ally's situation; he was a syeed, and had been with Ally Rizza, the channel of communication between Omdut ul Omrah and Tippoo, and was still at Seringapatam. The last letter which I shall notice is one written by Omdut ul Omrah to Gholam Ally khan, in the year 1797, when he was nabob of the Carnatic. To this letter and the contents of it the hon. baronet objected, as being of the most trivial nature; and in regard to the communications alluded to in it as having been made by two of Tippoo's agents, Mahomed Ghauss, and Mahomed Ghose khan, 'it was not possible to consider that 'they could be charged with any com'munications hostile to the British govern'ment, being men of low rank and cha'racter.' I am perfectly aware that these men were very different in their qualities and dignity from Gholam Ally khan and Rizza Ally khan; but I contend that they had enough of both for any purpose of treachery or violence against us. This is the sort of person generally employed in India upon such occasions; and as a proof that such is the custom, I will here read to the house a passage from Orme's history very applicable to this question. Orme says: 'The secrets of the princes of Hin-

'dostan are very difficult to be discovered: in affairs of consequence nothing 'except in the most equivocal terms is ever 'given by them in writing; and whenever 'the matter is of great importance or iniquity, it is trusted to a messenger, a man 'of low rank and great cunning, who bears 'a letter of recommendation testifying 'that he is to be trusted in all he says; so 'indefinite a commission reserves to the 'lord who gives it the resource of disavowing the transaction of his agent, and 'this he never fails to do whenever the iniquity is discovered.' Deriving my knowledge of India from this pure authority, and from a local residence of eleven years, I deem it my duty to state to the house, that I regard this correspondence as the evidence of a treacherous spirit of hostility on the part of Wallajah and Omdut ul Omrah; and far from being surprized that the proof is not of that nature to satisfy the interested feelings of the partisans of those nabobs, or the doubting minds of some few of the gentlemen opposite, I am rather surprised that so much has been discovered in writing; for I must repeat upon my own knowledge, what I have already stated upon the authority of Orme, that in matters of great iniquity seldom is any thing committed by the natives of India to writing; they thoroughly understand the arts of verbal prevarication; in the examination of a witness, so little does he regard the truth, that he will vary his testimony according to his feelings and interests, and according to the impression which he thinks his first assertion may have made upon you. The exposure of his verbal contradictions he scarcely regards, and never considers his case hopeless until a document appears against him. In this case I am satisfied from the evidence in writing, connected with what I know of the conduct of Omdut ul Omrah during the war against Tippoo, that he had cherished the counsels and intentions of that prince, defamed the character of our alliance, and had violated the letter and spirit of the treaty of 1792, for purposes hostile to our interests and security. It has been contended that, although the hostile conduct of Wallajah and Omdut ul Omrah had forfeited their right to the Company's protection, yet Ally Hussein, the innocent heir of the latter, not having partaken in his guilt, ought not to have suffered for it. Sir, I am sure no person could feel more sincerely than lord Clive for the necessity which called upon him to act against Ally Hussein; and the whole of the proceedings upon your table shew how anxiously and humanely that noble lord endeavoured to preserve to Ally Hussein a situation of affluence and dignity. But lord Clive was not at liberty to intrust the rights and security of the Company in the Carnatic to those very ministers who had been the counsellors of Omdut ul Omrah, and were the guardians of Ally Hussein; and therefore he exercised that which is the right and duty of nations, to call upon the son to repair the mischief of the father. The extract which I hold in my hand, written by Mr. Domat upon the public law of nations, appears to me unanswerable upon this point, and I shall with the leave of the house read it to them. 'An heir or successor, from the very circumstance of his possessing the inheritance, is not only bound for the engagements of the person whom he succeeds, 'but cannot be discharged from the obligation which the deceased may have 'occasioned by his crimes or offences, 'neither under the pretext that he derives 'no benefit from their crimes or offences, 'nor because there may have been no accusation or condemnation against the deceased. For though the offence or injury committed by the deceased were of 'such a nature as never to have yielded 'any positive profit to himself, yet the 'heir or successor, as he reaps advantages 'by the inheritance, is bound for the reparation of the damages occasioned by 'the offence of the person to whose possessions he succeeds.'—Having thus shortly stated to the house my opinions upon the evidence, founded upon a tolerable knowledge of Persian correspondence, I have no hesitation in giving it as the unbiassed feeling of my mind, that lord Wellesley and lord Clive would have deserved the reproaches of this country, if, knowing as they did how grossly the treaty had been violated in granting tunkaws, and in maintaining a secret hostile correspondence, they had been restrained by any fear of the personal enmity which it might excite from insisting upon an arrangement like that concluded with Azeem ul Dowlah. For nearly 50 years the Company had been wasting their other revenues and accumulating an immense debt in support of the expences of their connection with Mahomed Ally; from the year 1760 until 1786, the Company were satisfied to protect the whole of the Carnatic for a payment little exceeding four lacs, leaving his highness to riot in corruption and personal ostentation upon a revenue of 260,000 lacs annually; and when at length this connexion is broken, after the waste of the Bengal revenues, after the waste of torrents of British blood, there is a debt of ten millions upon the country, composed in some instances of bribes paid in the shape of bonds for obstructing the Company's government, and equal in its amount to all the nabob ever paid to the Company for their protection. Having already described, from the works of Burke, the nature of the nabob's government down to the year 1782, and subsequently from the opinions of lord Macartney, sir A. Campbell, lord Cornwallis, and lord Hobart, I may assert, without any appearance of arrogance, upon my own personal observation, that all I ever saw of his highness's government either at Madras, where I resided six years, or in the interior of the provinces, where I continued five years, has fully confirmed to me the literal truth of every thing stated by those illustrious persons. With such impressions of the calamity resulting from this management, I could not but rejoice in the measure which extinguished the source of so many evils; and as there seems to be a doubt entertained of the benefits which have been derived to the people from the change of government, I shall explain to the house, in a few words, in what great particulars this difference between the government of the Company and that of the nabob of the Carnatic consists. And first I would say a few words upon the pecuniary consequences of this arrangement, which have been so much mis-stated by the hon. member (Mr. G. Johnstone) who spoke from the floor. That hon. member has declared that the Company have received, since their possession of the Carnatic, less as a net revenue, than they before derived as subsidy from the nabob. In the opening of his speech that hon. member avowed that he took shame to himself for not having studied the voluminous papers before the house, so as to speak in the manner he desired upon this great question; and certainly, sir, the part of his speech in regard to the revenues of the Carnatic, is a very perfect illustration of the justness of this his confession. Had that hon. member read the statements which (at my instance) have been laid upon the table of this house, he would have seen that the net average revenues derived from the Carnatic since the treaty made with Azeem ud Dowlah by lord Clive, have been nearly eighteen lacs of star pagodas yearly, which is exactly double the amount received in subsidy annually from Wallajah or Omdut ul Omrah. Such are the happy consequences of this arrangement upon the Company's finances. The house will, I trust, pardon me, if I detain them for a short time longer in explaining the effects of the change of government upon the people of the Carnatic. Sir, that country is refreshed by few living brooks, or running streams, and it has rain only at a season; great part of the cultivation of the lands (and of course the subsistence of the people) depends upon the preservation of these rains in large reservoirs or tanks, which are to be found in every village, the sacred works of former princes and benefactors. To keep these tanks in repair, requires means far beyond the faculties of the common farmer, or cultivator of the soil; and if not repaired they soon fall into decay, whereby great part of the benefit they were intended to dispense is lost. To these works Mahomed Ally and Omdut ul Omrah paid scarcely any attention; every where the tanks were in a state of ruin, whilst the revenues, which arise almost entirely from the cultivation of the lands, were rigorously collected according to the old accounts of cultivation in the villages. Hence the continual oppression of the people, whose miseries were embittered by reflecting that their poverty was owing to the parsimony of their ruler. In the Company's districts, large sums have always been expended upon the tanks; and I do, sir, exult in the prospect of that plenty which the repair of the tanks in the Carnatic will unquestionably dispense through every village. The next great difference between the government of the nabob and the Company, regards the religious and charitable establishments of the people. The hon. gentlemen opposite are, I dare say, not aware that nearly one-tenth of the revenues of the Carnatic are under various heads applicable to these establishments. These are also the pious gifts of the Hindoo princes, and the due appropriation of them is regarded with the deepest interest by all the classes of Hindoos in the Carnatic under the nabob's government; these religious allowances formed the fund upon which his unprincipled servants preyed with impunity; and it has been the wise determination of the Company's government to secure this sacred resource from fraud and peculation, and to apply it wholly to its original pious uses, the support and repair of the pagodas and choultries, and the subsistence of thousands whose livelihood and comfort altogether depend upon the faithful application of these grants. Sir, I know what happiness this measure extends through those extensive provinces, and I trust that it will ever be continued. The last point which I shall notice is the administration of justice, and this in fact comprises every thing. Under the nabob's administration there was no justice at all: it was an annual struggle between his tyrannous exactions and the endeavours of the people to evade them; hence the great mass of the people were discontented, and ever looking to a change. Upon the rumour of an internal commotion, or the approach of an invading army, they endeavoured to increase the general disorder instead of feeling an interest in quelling it. The Company have established in part, and propose to institute throughout the Carnatic, a fixed assessment of the landed revenue; and regular judicial courts, where justice is administered by a person liberally rewarded, and whose honour and interest it is to decide impartially and diligently. This system protects with equal justice the persons and property of individuals against each other and against the government, and will soon substitute the blessings of good order for the miseries of tyranny and injustice. Upon the whole then, sir, I rejoice in the treaty made with Azeem ud Dowlah; I see that it is justified by the law of nations, that it is in the highest degree beneficial to the Company, and above all, that it dispenses happiness to millions; I shall therefore cordially vote against the hon. baronet's motions, and in favour of the previous question and amendment, as proposed by the right hon. gent. who spoke second in the former debate.

The house then became clamorous for the question, when a division took place:

For the previous question	128
For the Resolution	17
Majority	111

Before the gallery was opened, the house again divided on the fourth Resolution,

For the previous question	124
For the Resolution	15
Majority	109

Sir *Thomas Turton*, on his return into the house after this division, observed, that the numbers on his side were so few, that he should not now proceed to move his other two Resolutions, but would consent to postpone them, if the right hon. gent. (Mr. Wallace) would consent to postpone his resolution of approbation.

Mr. *Wallace* said, that after the complete defeat which the cause of the hon. bart. had sustained, he might well forbear moving any Resolution of approbation; for what approbation could be stronger than that testified by the majorities with which the hon. baronet's Resolutions had been rejected? He saw no reason, however, for entering into any further discussion on a future day; but would now read the Resolution with which he intended to close the business. It was as follows: "That it is the opinion of this house, that the marquis Wellesley and lord Clive, in their conduct relative to the Carnatic, were influenced solely by an anxious zeal and solicitude to promote the permanent security, welfare, and prosperity, of the British possessions in India."

Sir T. Turton determined not to proceed any further, but moved that the other orders of the day be now read, intimating, that this day fortnight he should move his other two Resolutions. The Chancellor of the Exchequer and sir John Anstruther were perfectly indifferent when the hon. baronet should move them. What had passed in the debate of this night, and in the former debate, had completely shewn how unanswerable were the arguments which had been urged on their side; and they were confident that when the public saw the state of the divisions, after so many boasts, and so many procrastinations, they would not fail to form a just opinion of the nature of the whole proceeding.—The other orders of the day were then disposed of, and the house adjourned, at three o'clock on Thursday morning.

HOUSE OF COMMONS.

Thursday, June 2.

[Scotch Judges Annuity Bill.] The Lord Advocate moved, That the house should resolve itself into a committee on the Scotch Judges' Annuity Bill.

Mr. *Bankes* expressed himself altogether averse to the principle of this bill, and was extremely surprized to perceive it was endeavoured to be hurried through the house, when it made so great a grant of public money, and was a subject on which so many various and discordant sentiments had been already delivered. It was a measure instituted without any necessity; the crown had the power of granting pensions to superannuated Judges already; and, least of all, did there exist, in the present instance, any shadow of reason for the interference of parliament. The question had been for some time under the consideration of the Finance Committee, and the report had been delayed by some untoward circumstances, but would very shortly be before the house; this would enable them to decide upon the necessity of the measure. He should, therefore, move 'That the committal of the bill be deferred until this day se'nnight.'

The *Lord Advocate* of Scotland saw no reason for the delay proposed, and was surprised to find the hon. member had any serious objection to the bill, which was only intended to set the superannuated Judges of Scotland on the same liberal footing as those of England. It was an improper mode of providing for the superannuated Judges from the revenue of the king; first, because these pensions could be withdrawn at pleasure; and secondly, because they would expire with the life of the king. He considered the delay proposed as dangerous to the Bill, and, therefore, should oppose it.

Mr. *Abercromby* wished the bill should not be committed until the report of the Finance Committee should be before the house; the delay was inconsiderable, and might be attended with advantage to the country.—After a few words from Mr. Rose, the gallery was cleared for a division. On the division there appeared for going into the Committee, Ayes 63; Noes 32. Majority 31.

The house then went into a committee. On the Clause entitling any of the Judges of the Courts of Session or Justiciary, the Lord Chief Baron, or any of the Barons of Exchequer, to retire on 3-4ths of their salary, sir John Newport proposed as an amendment, that the words "or Barons of Exchequer" should be omitted.

Mr. *Horner* said, it was altogether a mistake to compare the duties of the Barons of the Exchequer in Scotland, with those that were discharged by the court of the same name in Westminster Hall. The former were merely a Board of Revenue. It had been justly said, that on an average they had not twelve causes before them in twelve months. During the term before last, he was informed there were only three causes, and during the term just finished not a single one.

Mr. *Fuller* thought it would be better to permit the Scotch to have all possible means of remuneration for their labour in their own country. The present deficiency was, perhaps, the reason why so many young Scotchmen thronged the streets of London, hunting after promotion. If it would be the means of keeping these young adventurers at home, he should feel happy in giving the bill its greatest latitude, and should, therefore, support the original clause.

The *Lord Advocate* said, the whole of the revenue questions in Scotland came before the court of exchequer. If it were once to be laid down, that persons who from age or infirmity were incapable of instructing the jury aright, be allowed to continue judges, the complaint of there being little revenue business in Scotland would soon cease to operate. It was necessary to take care that the Judges in that court, as well as in every other, were efficient.

Sir *S. Romilly* was decidedly of this mind; but he presumed to think it would hardly be said, that the Barons of the Exchequer had hitherto been inefficient. Therefore, there could be the less necessity for the present bill so far as they were concerned. He was informed, that it was quite consistent with the duties of this office, that the person exercising it, should reside in a foreign country. He expected to have heard from his learned friend, some reasons for the present measure, but he was disappointed. The learned lord had said, that 22 causes had stood in the paper for trial during the last term; but every gentleman present knew, that there was nothing extraordinary in this, as not one of them might have been insisted in.

The *Solicitor General* for Scotland thought it invidious to make any distinction between the Barons of Exchequer, who were Judges of one of the supreme courts, and the Judges of the other courts. The labour, unquestionably, could not be compared with that of the Judges of the court of Session; but still their duties were important. They had even to controul the grants of the minister himself.

Mr. *Abercromby* said it had been admitted that the Barons of Exchequer in Scotland came in place of the old Lords of the Treasury. The duties, of course, which devolved on them, were not, and could not be judicial. The house was now called on to give pensions to the name of Barons of Exchequer, for in no other way did they resemble the persons in this country exercising judicial functions. There were many offices of a ministerial nature, the duties of which were important, but still the persons holding them were not allowed to retire on salaries.

Mr. *Bankes* declared, that all the explanations made by gentlemen acquainted with the duties of the Barons of Exchequer in Scotland, did not satisfy his mind that their offices were judicial. He could conceive it perfectly possible that they might go by the same name, and not have the same duties to perform with the Barons of Exchequer in Ireland. A person might once belong to a court of justice and yet his character not be judicial. As, for instance, his right hon. friend opposite was chancellor of the exchequer, and head of that court, and, on the principle now contended for, must be entitled to a salary on retiring from his office; but this, he presumed to think, would hardly be maintained.

The *Chancellor of the Exchequer* said, that it was a matter of no minor consideration that, by the act, the judges held their situations 'quam diu bene se gesserint;' and that the case of the Sheriffs of Counties in Scotland, alluded to by an hon. gent. was not at all analogous, as such officers were not thereby removed from any profession in the duties of which they had been previously employed. He denied that these pensions were so much for the benefit of the individuals concerned as for the benefit of the public, by securing an adequate and uninterrupted administration of justice.

Mr. *Windham* said, that the question ought to be argued upon the general principle of grants upon superannuation, and not upon the strained analogy of reducing the Scotch judges to the same standard as the judges of this country. Such an assimilation reminded him of the old fable, 'How we apples swim.' And as to the plurality of duties, the division of such labour was more like the division of business between Jack and Tom: 'What are you doing, Jack?'—'Nothing, sir.' What are you doing, Tom?'—'Helping Jack, sir.' Let gentlemen speak of it as they would, it was, after all, nothing more than spreading a small substance upon a great extent. It did appear to him to be a provision not at all called for.

Mr. *R. Dundas* thought it was a sufficient answer to the objections why the Welch judges were not pensioned as well as the Scotch, to remind the house that the Welch judges had, with their appointment, the benefit of their practice, and of such importance was that privilege considered, that there were many English barristers who would not accept of the place of a Scotch judge, and who would yet be very glad to get that of a Welch judge. Gentlemen on the other side had had recourse at the same time to two arguments that destroyed each other. It was argued that the place was a sinecure, and should not therefore have a pension on retirement, and at the same time it was apprehended that the Scotch judges would be anxious to retire and enjoy the profit of a pension without the trouble of the office. This was saying, it was and was not a sinecure; either must be given up: it must be admitted, either that, if it is a sinecure there would not be such inducement to retire, or that it is not a sinecure, and therefore worthy of a future compensation, when the judge retires through old age or infirmity.—The committee then divided on the amendment, Ayes 41; Noes 84: Majority against the amendment 43.

[MILITARY COMMISSIONERS' BILL.] The *Chancellor of the Exchequer* rose to move for leave to bring in a bill to revive and continue the powers of the Commissioners of Military Inquiry. He hoped there would be no objection to pass this bill through all its stages as speedily as possible. A bill for this purpose had already passed both houses of parliament in this session, but by some accident, it had been omitted in the commission which had passed the great seal for giving the royal assent to bills agreed upon by both houses. In consequence of this omission, the powers of the commissioners had expired yesterday, and it became necessary to have this bill revived, to continue them.

The *Speaker* thought it right to make some observations on this case. It was contrary to the constitution that bills agreed upon by both houses should lie in the other house without being noticed, when a commission from the great seal came down to give the royal assent to bills so agreed upon. There being no reason to suppose that the present case happened otherwise than by mere accident, the present motion might be sufficient.

After some conversation, in which Mr. Ponsonby suggested the propriety of a special entry on the Journals, the Speaker stated there was no parliamentary knowledge of the fact; to ascertain which, so as to warrant a special entry, a formal inquiry should be made in the house of lords: but that no irregularity would be seen on the Journals of this house by proceeding without a special entry, as this case would appear to be the same as that of a temporary bill to continue another, which otherwise would have expired before the continuing bill could receive the royal assent. —Leave was accordingly given to bring in the bill, which was passed through its first and second reading, committed, reported, and ordered to be read a third time to-morrow.

[LONDON VACCINE INSTITUTION.] Sir T. Turton presented a Petition from the managers of the London Vaccine Institution, stating the effects of their care and the exertions used under their direction, in spreading Vaccine Inoculation. The petitioners prayed public aid, the institution having been hitherto supported only by voluntary contributions. Before the Petition was read,

Mr. *Fuller* rose and observed with considerable warmth, that a grosser forgery had never been submitted to that house.

The *Speaker* interrupted the hon. member, and reminded him that the Petition had not been yet read, and that when it was, the house would be better enabled to judge of the nature of its contents. Mr. Fuller resumed his seat amidst considerable laughter. The Petition was then read, and sir T. Turton moved, that it do lie on the table, when

Mr. *Fuller* again rose and apologized for his abrupt manner of rising before. He said that this business was a gross cheat; a palpable trick to swindle the public; or, if it was not absolute swindling, it went very near the wind. When they came to solicit his subscription, he thought they were at the head of some respectable corporation, but what did they turn out to be? A parcel of Quakers or Presbyterians, or whatever they were called. They had got at first five guineas from him; but the moment he detected them, he threatened them with a Bow-street officer and a charge for swindling; and the dread of detection soon frightened them into a re-delivery of his five guineas. What a shame then was it to see their cause espoused by any man in that house. A member of parliament should be ashamed of having any thing to do with such fellows. He did not suppose that the hon. baronet shared in their gains [a laugh.] That gentleman was welcome to laugh if he pleased, and look and spout speeches like a lawyer, but it was a poor way to shew himself off, and to make a noise and stir for notoriety. He hoped the house would not countenance such a piece of swindling.

Sir *T. Turton* felt no resentment at the warm language of the hon. gent. He wished the hon. gent. was in as perfect good humour with himself, as he and the house were with him. The Jennerian Society was not instituted till 1803. The original Cow Pox Inoculation Society was instituted in 1799. The Institution which the petition related to, was established in 1806, he allowed principally by a set of Quakers, a sect to whose moral and virtuous principles and conduct, he was happy to bear testimony. Since that time this Institution had communicated the vaccine matter to 81,000 persons in every situation of life. The petitioners desired only to have the facts alleged in their petition inquired into; and hoped for public aid only in the event of their being found entitled to it on public grounds.—The petition was ordered to lie on the table.

[VACCINATION.] Mr. *Rose* deferred his notice of a motion on this subject until Thursday. His object was to diminish the evils which now resulted from the dissemination of spurious and improper Vaccine matter, by the establishment of some central Institution, from which the genuine virus should be distributed without expence. If the house should acquiesce in his motion, he should then propose to submit the management of the institution to a certain number of the College of Physicians. This was not a government measure, and he begged to be understood as having no particular partiality to any one of the present institutions more than another. His object was to give the best possible effect to the discovery of Dr. Jenner.

[EAST INDIA COMPANY'S AFFAIRS.] Mr. *Creevey* rose, pursuant to notice, to move for a copy of an exposition of the Affairs of the East India company, which had been laid before the committee by the directors. A Report had been already presented to the house by the East India committee, upon which a grant of money to the company was to be moved. His object was to have this paper before the house, in order that when gentlemen came to vote on the question, they might be as well informed upon the subject as the committee. The hon. member stated that the first thing done by the committee was to call for a general statement of the Affairs of the Company from the directors. An Exposition had accordingly been given in, presenting a view, gloomy enough, of their situation. When the committee came to consider what security the company could give for any loan to be advanced to them, it was thought best that they should present a petition to parliament, to be by the house referred to the committee. A Petition was accordingly presented (see p. 68); but in it they had forgot all their distresses. They put off their Indian debt in a parenthesis, and made out a surplus at home of eight millions. This was referred to the committee, and what he complained of was, that they had adopted the Petition as the ground of the report, and not the Exposition. Delusive, therefore, as the Indian budgets had been, they were nothing to the delusion of this report. The hon. member observed, that he could see no good reason for refusing to produce this report, although he could conceive that many of the members of the committee would not much relish the idea of its being made public. The friends of lord Melville and of marquis Wellesley could not, perhaps, much desire to produce a paper in which the directors ascribed their distress to the Board of Controul constituted in 1784, and to the Mahratta war. Still, however, before the house could justly vote away the public money to the company, they ought to have every possible knowledge of their affairs, and therefore he moved for this document.

Mr. *R. Dundas* said, that the objection to the production of the paper, had been merely a question of time. The Exposition related principally to the state of the company's affairs abroad. The Report related to their affairs at home. The committee, therefore, with the exception of the hon. gent. had thought it better to delay the production of the Exposition till the second report, where those matters would be treated to which it related. He denied that any delusions had been held out, but said that the predictions of lord Melville and his noble friend near him (lord Castlereagh) were justified by the then situation of the company, and had only failed from circumstances which they could not foresee.

Lord *A. Hamilton* observed, that the question was, whether any proposition for a loan to the East India company was to be made in the mean time. If there was, then the document would come a great deal too late if it only accompanied the second report. Unless, then, he had some guarantee, first, that the paper would be laid before the house at no very distant period, and, next, that no proposition for a loan should be made in the mean time, he must certainly vote for the motion of his hon. friend.

Mr. *R. Dundas* said, that he meant to move to-morrow s'ennight, in a committee of ways and means, the balance due from the public to the company.

Mr. *Wilberforce* stated, that he had agreed with the majority of the committee, that it was best to defer presenting the Exposition, till they reported on the subject to which it chiefly related: erroneous speculations might be formed upon that document, both in and out of the house, if it should be laid on the table without the observations of the committee.

Mr. *Windham* said, that this was a good answer as far as the committee was concerned. But the question for the house to consider was, whether they were to vote a grant of money to the Company without having an opportunity of examining this exposition of their affairs?

The *Chancellor of the Exchequer* observed, that at all events the motion was premature, as the report was not printed, and the house could not know what was proposed in it. If nothing should appear in that report but that we should pay our debts, the paper would not be necessary with a view to that question. This, therefore, was not the time for the house to decide whether the committee had done wrong or not in withholding that paper for the present.

Lord *Folkestone* understood, that the president of the board of controul intended to propose in the first place, no more than the payment of what were called our debts. In that case the production of the paper would not be so necessary. But yet the Report proposed, that a large sum over and above those debts should be granted to the company. At all events, it was proper, that the house should have every information on the subject as soon as possible; and as there could be no real objection to the production of this paper, he should vote for its being laid immediately on the table.

Sir *J. Anstruther* said, that the house did not know whether the paper related to the report or not. If any member, after the report was examined, should think that the committee had reported short on any subject of which it treated, then would be the time for the motion for additional documents. He admitted that the paper in question must be produced when the committee reported on the matters to which it related; but there was no occasion to lay it, till then, before the house.

Mr. *Tierney* observed, that every facility had been afforded to his hon. friend to procure all the evidence with respect to the home affairs of the company; and if no more evidence was produced, it was his hon. friend's fault. It was rather unfair, therefore, to hold up the committee to the public as desirous to conceal the situation of the company. He disclaimed any such intention. The Report related to the home affairs; and if he had been in the committee at the time, he certainly would have voted with the majority for withholding that paper for the present, as having no relation to the matters contained in the report. If what had been decided by the committee as debt was alone to be proposed upon that report, there could be no use for the document; but, if any assistance was intended to be voted in the first instance, then, however hard on the company it might be, he would assent to the production of the paper. He did not wish to gloss over the affairs of the company; neither did he wish to prejudice the public against them. They were entitled to justice. They had exposed their affairs very fairly; and all the members of that committee were most anxious to find out and state the exact and fair truth on this subject.

Mr. *Ponsonby* admitted, that the best way of proceeding would be, in the first instance to clear all our debts to the company if any were due, and then to examine into the general state of their affairs. If it was, therefore, to be understood that nothing further was to be proposed by the hon. president of the board of controul in the committee of ways and means, except a liquidation of the debt, he thought his hon. friend might suffer himself to be prevailed upon to withdraw his motion for the present.

Mr. *Creevey* observed, that he would never retract what he might at any time have said respecting the committee, but still maintained that it was improperly constituted. He would watch over their proceedings, however, in whatever manner he thought proper. The report consisted of two parts; the one of debt, the other of loan. With regard to the latter point, the paper he moved for was very essential; and it was the more necessary to have it at present, since the answer of the hon. president to the question, whether he meant to propose only a liquidation of the debt, or a loan together with that, had been evasive. There was something, however, in what the chancellor of the exchequer had said as to the report not being as yet known to the house; and on that account he would withdraw his motion, meaning to repeat it if any loan was to be proposed in the interval between the first and second report.

Mr. *R. Dundas* said, that he only meant in the first instance to propose a liquidation of the debt.

Mr. *R. Thornton* reprobated the language held by Mr. Creevey, that the East India Company were bankrupts; and contended that while the committee was composed of men perfectly competent to examine into the state of the company's affairs, the conduct of the hon. gent. this evening, was such as to detract much from the weight of any observations which he might in future make upon the report when it was made.—The motion was accordingly withdrawn.

[BANK OF IRELAND BILL.] The order of the day being read for the house resolving itself into a committee on the Bank of Ireland bill,

Lord *H. Petty* rose to move an instruction to the committee to enable Roman-Catholics to become directors of the Bank of Ireland. In bringing this proposition forward, he felt that he should have to encounter very great difficulty, not from the complexity of the subject, but from the task of obviating an objection, if any objection could possibly exist, against adopting a measure of conciliation to the Roman-Catholics of Ireland. The charter of the Bank of Ireland was granted in 1782, and the Roman-Catholics were then excluded from the direction, agreeably to the spirit of the penal laws. In the act of 1793, the bar to their admission was intended to be removed; but this intention was frustrated by the omission of a single word in the act. He had heard it argued, that it would be prudent to allow this obscurity to remain; but he asserted that now, when the house was legislating upon the subject, by allowing the doubt to remain which at first was merely accidental, the catholics were placed in a worse situation than they were in before. As to the propriety of the measure itself, the noble lord contended that the boon would be furnishing to the catholics an additional motive of attachment to the government of the country. The only possible objection that he could conceive to it was, that it was not considered as material by the catholics themselves. This he did not believe to be the case; but whether it was the case or not, it was most important, considering the present sensibility (the morbid sensibility he might term it) of the catholics of Ireland, that the house should lose no opportunity of manifesting some feelings of kindness and benevolence towards them, especially after its recent refusal to enter into a detailed examination of the merits of their Petition. The noble lord concluded with moving an instruction to the committee, to introduce a provision into the bill, to enable Roman-catholics to be chosen governors, or directors thereof, provided they have taken the oaths of the 13th, 14th and 33d of George the 3rd.

Mr. *Foster* was as friendly to every proper measure of conciliation to the Roman-catholics as the noble lord, but he asserted that there was no reason for introducing such a change into the constitution of the Bank of Ireland, which change never had been made in the charter of the bank of England, particularly when the present state of Ireland was considered, and when it was recollected that the change was unsolicited by the Roman-catholics themselves. [Hear, hear, from the opposition.] Gentlemen might cry 'hear,' but he stated that in two meetings of the proprietary which had lately taken place, no mention whatever had been made of the subject. He should therefore oppose the resolution, as tending to introduce a needless innovation into the charter.

The *Chancellor of the Exchequer* argued, that according to every fair construction of the act of 1793, there was no reason to think that that act of the Irish parliament meant to leave Roman Catholics eligible to the government and direction of the Bank of Ireland; and as to the time at which the proposition was made, viz. after having refused to accede to the prayer of their Petition, it appeared rather surprising that it should be urged, that we ought to indemnify the Roman Catholics for refusing to them what they were desirous of having, by granting that which they did not ask, and upon which they sat no value at all.

Mr. *Grattan* said, that this was one of those things which it seemed but little to grant, but the refusal of which was felt as a severe mortification. It had been said that the Roman catholics did not desire the boon; he admitted, that they had not petitioned for this privilege specifically; but if they had not, it was because it was so small that they conceived it was impossible it could be refused. He believed that it was not the intention of the Irish parliament to exclude Catholics from the direction of the Bank; and this opinion he supported by referring to the Act of 1793.

The house then divided, and the numbers were, for the motion 83; Against it 96. Majority against the motion 13.

HOUSE OF COMMONS.

Friday, June 3.

[SMALL-POX PREVENTION BILL.] Mr. Fuller brought in a bill for preventing the spreading of Small-Pox infection; which was read a first and second time, committed, and ordered to be printed as amended. Lord Folkestone thought the bill ought to stand over till the next session of parliament; to which Mr. Fuller acceded. The bill was reported and ordered to be read a third time this day three months.

[PROMISSORY NOTES BILL.] Mr. *Huskisson* having given notice of a motion for leave to bring in a bill to regulate and restrain the issue of Promissory Notes reissuable, stated, that on consideration he was disposed to coincide generally in the representations of those who were of opinion that this credit, as well as every other, ought to be left as free as possible. But much mischief and confusion arose from the frequent issues of very small notes to the amount of 15 or 20 shillings, the abuse of which was very general. To obviate this evil, he moved for leave to bring in a bill to prevent the issue of promissory notes under the amount of 20*s*.

Mr. *Thompson* represented the propriety of guarding against the issue of checks by one partner of a banking house on his fellow partners for ten or fifteen shillings.

Mr. *Huskisson* was aware of the variety of shapes in which the abuse existed, and had taken proper advice previous to the framing of this bill, as to the best means of discovering every species of abuse.

Sir *J. Newport* represented the variety and extent of frauds formerly practised by the issuers of notes under 1*l.* in Ireland; and was therefore desirous that a remedy by proper restriction should be applied in this country as soon as possible.

Mr. *Parnell* said the circulation of these small notes was owing to the deficiency of silver coin, and wished ministers to apply the only effectual remedy, which was a new silver coinage.—Leave was given to bring in the bill.

[Hackney Coaches Bill.] Mr. *Huskisson* moved for leave to bring in a bill for the better regulations of the fares of Hackney Coaches. According to a former act it was provided, that when the price of oats was above one guinea a quarter, an increase of 20 per cent. should take place on hackney coach fares in some cases, and 30 per cent. in others. The price of oats had of late years been almost uniformly above one guinea a quarter; but the uncertainty of the calculation of the advance on all fares, had given rise to great abuses, without providing sufficiently for the interest of the coach-owner. In order to guard against these abuses in future, and to give the coach-master a fair and certain profit, he proposed to introduce fixed regulations in the present bill. It was also meant to include a provision to guard against the practice now very prevalent, and very injurious to hackney coachmen, of stage coaches belonging to the villages near town, taking up passengers in one part of the town, and setting them down in another, within the proper and exclusive limits of the hackney coachmen.—Leave was given to bring in the bill.

[Courts Martial.] Mr. *Lyttleton,* pursuant to notice, rose to move for leave to bring in a bill to amend the constitution of Courts Martial. He was aware of the objection against interfering with the prerogative. But the interference that he proposed would be far from infringing on the just rights of the crown. In no age had the crown the power of managing the whole administration of the army, at its unlimited discretion. The high constable and earl marshal in antient times regulated the affairs of the army under due responsibility. On the attainder of Stafford, duke of Buckingham, high constable in the reign of Henry VIII, that monarch assumed and exercised the whole powers of the superintendance and government of the army. But the arbitrary principles of that monarch, and his immediate successors, rendered these practices no precedent for the justice of modern times. After the Revolution, when better principles and juster notions prevailed, William III. conceived that by the prerogative he had not powers to punish the mutiny of a Scotch regiment at Dumbarton, on the appointment of a foreign officer, the duke of Schomberg, to be their colonel. King William applied to parliament for powers adequate to the case, parliament passed the Mutiny Act, which was a standing precedent for parliamentary interference in the judicial administration of the army. He allowed that Courts Martial were, generally speaking, so constituted as to form the most proper tribunal for judging military cases. But he considered it as a defect, that the legal officer who attended to do justice between the prosecutor and the crown, in the management of the prosecution, was, in fact, an officer of the crown. The power of that officer ought, therefore, to be under proper guards. He admitted, that if no abuses had existed in consequence of the right of revision, it would not have become him to propose any alteration in a system of things so long established; but he feared too many instances had occurred, that would go to justify the proposition he had to submit to the house. When he first had the honour of a seat in that house, a paper was laid upon the table, relative to the proceedings of a court martial, whose sentence had been changed from a sentence of acquittal into a sentence of censure. He adverted also to a recent case, that of the hon. Cochrane Johnstone, in which that gallant officer had been honourably acquitted, and yet in consequence of that right of revision, that gallant officer was passed over in a course of general promotion, and all his professional prospects and hopes closed and blasted for ever. He did not mean to deny the undoubted right of his majesty to employ or to dismiss what officers he pleased. But when a Court Martial was employed, it was right that its decisions should be carried into effect, or proper reasons be given to the contrary. He adverted to the superior situation of the Navy on this head, and cited the case of captain, now sir Isaac Coffin, tried at Halifax by court martial, and ordered to be dismissed his ship. The Admiralty assumed the right of dismissing capt. Coffin from the navy altogether. But capt. Coffin appealed by memorial to his majesty against the decision, and the Judges to whom the matter was referred, consisting of persons not inimical to the crown, among whom were lord Kenyon, lord Loughborough, sir James Eyre, and sir Francis Buller, reversed the decision of the Admiralty, and re-established the right of capt. Coffin to be employed in his profession. He saw no reason why a similar controul and revision should not exist in the army. The special duty of military officers to the crown, and their looking for promotion to the crown only, devoted them particularly to the crown, and rendered their decisions at least not properly open to be enforced in rigour by the crown. He then adduced the case relative to the Perthshire fencibles: a charge had been brought against some subalterns, who, after a long and impartial trial, had reason to expect (and it was publicly expected) that they would have been honourably acquitted, but from that day to this no man could say he had official knowledge of that sentence, for it was totally suppressed, and there was great reason to suspect, that that suppression was owing to the great interest exerted on behalf of the colonel who had brought the charges, and whose character would have been seriously impeached in the acquittal of the accused, and the manner of that exculpation. He asked, then, if a system so liable to abuse did not imperiously require parliamentary interference to correct and improve it? He submitted, then, to the consideration of the house, with great humility, the following motion, which had long occupied his most serious attention. He moved, "That leave be given to bring in a Bill to expedite the decisions of Courts Martial, and to prevent any undue interference in impeding or delaying the result thereof."

The *Secretary at War* represented that the measure proposed could not possibly be entertained in the present session, as it was incompatible with several provisions in the Mutiny Act, particularly with that which bound members of Courts Martial to keep their decisions secret till they should be revised by the crown. But, in answer to the general reasoning of the hon. member, he should argue, without going back to the times before the Revolution, which afforded no precedent applicable at present, that the interference proposed would be injurious. The hon. gent. allowed that his majesty ought always to have the power of judging what officers he should employ, and what officers he should dismiss. He would ask, then, what difference the alteration proposed in the powers of Courts Martial could make in the case alluded to; namely, that of the hon. Cochrane Johnstone? Supposing him acquitted by the court, the hon. member allowed his majesty might still dismiss him. The immediate promulgation of the sentences of Courts Martial would be, in many cases, cruel to the officers themselves; for it would deprive his majesty of the exercise of that beneficial mercy by which he often remitted a censure or reprimand, in consideration of matters that were specified with honour to the officer in question, so as to leave him still in the service with unimpaired, and sometimes even exalted character. The naval service and the military were distinct in character, constitution, and government. The laws applicable to the one were frequently inapplicable to the other. There was no good ground for interfering with that system, by which the army had now been governed for a century. Any other system would, he was sure, be attended with injury. The annual revision of the Mutiny Act was the proper parliamentary controul, and it was amply sufficient for every good purpose.

Sir *F. Burdett*, from the obvious fact of naval discipline being adequate to every good purpose, saw no reason why the more just and equitable constitution of naval Courts Martial should not extend to the army. He adverted to the case of col. Cochrane Johnstone, and insisted on the hardship of punishing that gentleman after he had been acquitted by the Court Martial. A similar influence might again be put into action for the injury of some deserving member of society. No other hopes of advancement should be held out, but those dependent on exclusive merit and military pre-eminence. The greatest possible injury that could be done to the character or feelings of an officer, who had been honourably acquitted, was to pass him over in the list of promotions, except that which went so far as to reverse the sentence of the court by which he was tried. Seeing, as he did, the necessity of reformation, and the wide door which had been opened to abuses, he should certainly support the motion.

Sir *A. Wellesley* observed, that the measure proposed would go not only to alter the Mutiny Act, but also the Articles of War. The navy was the characteristic and constitutional force of Britain, and might therefore be governed more by the regulations of the legislature. But the army was a new force, arising out of the extraordinary exigencies of modern times, and, from every consideration of expediency and necessity, must be left under the controul of the crown.

General *Fitzpatrick* was ready to admit that Courts Martial required a reform to render the constitution of them and some of their forms of proceeding, more consistent with the general spirit of British law. But the present proposition went too far. If the power of the crown was too much relaxed, the army would become highly dangerous to the people and to the crown also. He allowed the extreme hardship of col. Cochrane Johnstone's case, and would have been happy if it had been in his power to remove the hardship that gent. had suffered. But as the power of the crown was unlimited, and very properly proposed to be left so, as to what officers it would employ, he did not see how the exercise of his majesty's discretion could be remedied by any measure proposing not to meddle with it. The commander in chief finding by the letter of the Judge Advocate, that col. Johnstone was not an officer agreeable to his majesty, abstained from recommending him in his turn for promotion. The only thing that was open to remedy on that proceeding, was to render the Judge Advocate responsible for the advice he should give to his majesty, and that had already been done by a clause in the Mutiny Act, adopted by the house on his suggestion. The system of the navy was inapplicable to the army in many cases. For instance, a captain of a man of war had the power to order a man to be flogged without a trial. The first officer in the army had no such power, and he should be sorry to think he had. He allowed it was desirable that the powers of the Judge Advocate should be defined and understood; and recommended to the hon. gent. who filled that office, to introduce himself some measure to that effect.

Mr. *Lyttleton* consented to withdraw his motion, though he could not help observing, that his wish had been misinterpreted, as well as some of his words. He was not desirous to trench on the royal prerogative: his Bill would only have referred to general Courts Martial, and in this point of view he could not see what distinction could be drawn between naval and military courts. He might at some future period bring forward his motion, when he hoped to render it more palatable to the house.

[Sugar-Distillation.] Lord Binning having moved the second reading of the bill to prohibit the Distillation of Spirits from Corn or Grain,

Mr. *Brand* opposed it, on the principle that all political interference of the legislature with the industry and general pursuits of the country was bad. He would allow that particular circumstances might occur which would justify such interference. It might be allowed under well-founded apprehensions of scarcity, or as a measure of temporary policy. He knew, however, of no scarcity either existing or to be apprehended, which called for the present measure. Wheat, which might be considered as the principal food of man, was hardly ever known at a more steady price than it had been for several months past. In case, however, a scarcity should actually take place, he then wished that the crown should possess the power to stop the distilleries by a proclamation. Wheat had for a long time been at a low price, and a price so low as to be hardly adequate to repay the farmer. He therefore felt it his duty to resist the second reading.

Mr. *Marryatt* said that as to the general principle of leaving agriculture to itself, and not interfering with it by any legislative provisions, that principle would, in justice, be as applicable to the interests of the West India planters, or to the commerce of the country, as to its agriculture. But it was known that the interests of the West India merchants had, in point of fact, been much interfered with by the legislature. Although by the contract under which our islands were cultivated, the planters were to have the monopoly of supplying the empire with sugar; yet, when we occupied St. Domingo, we received 100,000 hogsheads annually from that colony, in competition with the produce of our own colonies, and in violation of the contract made with them. Again, when it was represented that the planters held up the price of their sugar too high, parliament interfered, and let in East India sugar in competition with it. At the time that parliament resolved on this measure, he did not recollect that a single country gentleman raised his voice against the interference of the legislature with the price of the produce of the West India cultivation. If the principle was good in the one case, why was it not also good in the other? Those country gentlemen, who now laid it down so broadly in their lectures on political economy, never thought of such a principle, until their own interests were touched. One hon. gent. a great land proprietor (Mr. Coke, of Norfolk), had on a former occasion, compared the West India islands, in value, to ozier islands in the Thames. He would tell the hon. gent. however, that the commerce of the West Indies did most materially increase the wealth and prosperity of this country, and that the increase of national wealth and prosperity had increased very much the rents and value of his great estates. The country gentlemen who oppose this bill seemed not only to have formed a system of political economy for themselves, but they had formed a new mode of arithmetic for themselves. By the common notions of arithmetic, the more you subtracted from a thing, the less remained; but by the arithmetic of the country gentlemen, the more you took away from the stock of corn in the market, the more you destroyed in distilleries, or in any other way, the more would be left to secure the country against scarcity. They knew, however, that this was proposed merely as a temporary measure, and that if any practical ill effects should follow from it, ministers would have it in their power to suspend the operation of this act at any time. He thought, that when the measure was brought forward as a West India question, it was brought forward as a British question; for he conceived that the planters and cultivators of our West India colonies were as much British subjects as the inhabitants of the metropolis. Although the Atlantic rolled between us and them, yet their interests were united with ours; their habits and feelings were British; they were proud of being governed by British laws. It was in this country that they looked to end their days; their affections were turned to Britain, and they called it their mother country. He hoped, then, that the mother country would not act the part of an unnatural parent. At present there were but about 35,000 hogsheads of sugar at the West India docks, but by October, when the next crop came in, there would be above 300,000. The average produce of our settlements for many years had been 270,000 hogsheads, and 30,000 would surely come in from the Danish islands we had lately captured. The consumption of the British empire had never been more than 200,000 hogsheads annually, and therefore it was most evident that the planters must be reduced to great distress as long as the accustomed markets were shut against their produce. Against the next year, both the West India cultivators and the British farmers would know how to calculate the exertions that they should make. The great objects of Buonaparte were, first, to ruin our commerce through our colonies; and secondly, to starve the people of this country into submission. If relief was refused to the West India merchants, it was probable that both these objects would be obtained. The colonies would certainly be ruined, and the first bad harvest might go near to starve the country, as long as there was no place to import from. He thought that the measure would not at all prevent the farmers from getting a fair price for their Corn, although it might prevent them from getting a most exorbitant price.

Mr. *Eden* contended that the present situation of the world, was the strongest argument against any discouragement of agriculture. It was most impolitic to narrow the market, and thereby diminish the production of grain. From the Report of the Committee itself, it appeared that it was improper to extend the measure to Ireland. The distress of the West India colonies was said to spring from the stoppage of the intercourse with the continent. Ministers affirmed that the Orders in Council would open this. These Orders had been six months in operation, and what had they done? The intercourse had only been more effectually put an end to, and the distress of the planters augmented. The best measure of relief would be to open the intercourse direct between the colonies and other nations, while the present state of things continued. He concluded, by declaring his opposition to the measure.

Mr. *Bragge Bathurst* thought that the general principle which was laid down respecting the impropriety of legislative interference, must be applicable only in general cases. The same principle was equally applicable to the commerce of the country as to its agriculture; and yet, in practice, it was found absolutely necessary for the legislature often to interfere in the affairs of commerce. The evils under which we laboured at the present moment were these: we were excluded from importing, (as we had been accustomed) the surplus corn of other countries to meet a failure of the harvest, and at the same time we were pressed with a glut of West India produce. Those temporary evils could not be remedied by the application of any general abstract principle. He thought the present measure well calculated to relieve the West India planters, and at the same time to diminish the alarm which prevailed in some parts of the United Kingdom of a scarcity.

Mr. *Davies Giddy* objected to the measure, as he thought the interference of the legislature, upon any occasion, with the agriculture or commerce of the country, was highly injurious; excepting in cases of scarcity, of which at present there was not the smallest appearance.

Mr. *Coke* hoped that ministers would not press a measure, when their majorities were so very small, and when the minority was so respectable. It was true, that perhaps they might derive more support from the manufacturing and commercial interests, but he hoped that consideration would not prevent them from doing justice to the landed interest. If he had ever used the term 'gambling speculations' to the cultivation of the colonies, he had certainly never meant to apply the term in an offensive sense; but he was surprised that none of the West India gentlemen ever spoke without using the word monopoly, which was a term that had not been applied to them; and yet he could not conceive how there could exist any great monopoly of corn in this country; whereas there might easily be a monopoly of sugar, as that was an article which was kept in few hands. He thought it was absolute nonsense to think of fixing a maximum in the price of corn. The bad effects of attempting a minimum in the price of labour had been already felt. As to the profits of farmers, he thought it but reasonable that if one part of their crop failed, as it notoriously did at the last harvest, they should charge something more on that part which had not failed. This was the only mode by which they could pay their rent, taxes, and other expences.

Mr. *Eyre* said, that if he thought the measure before the house was at all calculated to affect the interests of agriculture, or to produce that scarcity which it was intended to prevent, he should be one of the last men in the world to vote for it. The landed interest had taken a false alarm on the subject. He highly approved of relieving the West India merchants, from which the landed interest would ultimately derive the greatest benefit.

Mr. *Wilberforce* was of opinion that the interest of the planter and the interest of the farmer were not only compatible, but inseparable. The manufacturers of the populous county which he had the honour to represent, were enlightened enough to be completely convinced of this fact. So far was this from a rash and injudicious interference with the interests of agriculture, that he was satisfied the measure under consideration would operate as a protection to them; and he felt, and believed the country at large would feel, that his majesty's ministers had exercised a sound discretion in the support of this bill.

Mr. *Calvert*, adverting to the clamours about high prices, observed, that if we were to raise our own supplies, the farmer must have a price that might render it worth his while to cultivate poor as well as rich land.

Sir *John Newport* deprecated the tampering with the agriculture of the country, and declared, that this measure would be of the most fatal consequence to the tillage of Ireland, which was becoming a great source of supply to Great Britain. Every thing that he had heard only confirmed his objection to the measure. To prove that there was no actual scarcity, he stated from competent authority that the price of grain was falling in those places where from the stoppage of intercourse with the neighbouring districts, it had risen to the greatest height.

Mr. *Manning* spoke in favour of the bill, which was absolutely necessary to prevent the ruin of the colonies.

Mr. *Loveden* spoke as follows:—Sir, after all the attention in my power to bestow on this subject, and after mature consideration of every argument that has been urged in its favour, I cannot say that it appears to me either necessary or expedient. No case whatever has been made out to justify such a dangerous interference with the agriculture of the kingdom; it has not even the ground of probability to support it, and rests its dependance solely on the apprehension that a measure of this kind may become necessary hereafter. Now, sir, if merely upon the bare possibility of a change becoming necessary in the law of the land, we are to proceed and make a most serious innovation on conjecture alone, not on any established fact, are gentlemen aware of the mischievous consequences that may and will arise from the establishment of such a fatal precedent? To sanction this bill we ought to have a strong case before us; none such appears, and I must contend that it has not probability in its favour. All the accounts from the country afford reason for us to expect a plentiful harvest, and in addition thereto we hear from all parts of the cyder counties, that the produce of apples and pears is likely to prove abundant. Every one knows that a good cyder year depresses the barley market, that corn therefore is not likely to bear a price adequate to the expence of cultivation; if, contrary to all these more favourable expectations, an unforeseen calamity should happen to blast the ensuing harvest, then the ministers may avail themselves of the king's prerogative to stop the distilleries by proclamation, and no member of this house will object to a bill of indemnity. I cannot help noticing, sir, the charge of inconsistency urged against the farmers. All the bad consequences they predicted are said to be imaginary, because corn has risen in price since the discussion of this measure. Why, sir, it is in consequence of such discussion within these walls that an advance has taken place, and every man expected it who knew any thing of the subject. The distillers have bought an unusual quantity; speculators have been at work; the advance is temporary; serious mischief will follow, and depression take place at the next harvest. The last harvest was in many places scanty with respect to barley and pulse, yet we have gone on well: it has given us a sufficient supply, and at a moderate price. If we let the farmer alone, we shall provide sufficient corn without any importation. With respect to wheat, we have obtained a very considerable increased supply from the introduction of threshing machines. Much corn used to be left in the straw when the flail was only used; it was wasted; now every grain is brought forward in aid of the consumption. Being therefore of opinion that no justifiable reason has been offered in support of this bill, that it is adverse to the true interest of our country, it must have my decided opposition.

Lord *Burghersh* stated the fact, that in Feb. 1802, the price of wheat was higher at the opening of the distilleries than now when they were to be shut; and then there could not be a prospect of an abundant harvest, which we at present had. This fact was a complete answer to all that had been said respecting a scarcity.

Sir *James Hall* said, we had been told from the throne that the eyes of Europe are upon us. The landed gentlemen who sat in this house would do well to recollect, that the eyes of the British empire, the eyes of their constituents were upon them. He had not the honour to represent a county, but his feelings were the same as if he did. Were he to acquiesce in this measure, or willingly to miss any opportunity that occurred of opposing it, he should be conscious that he had abandoned rights which he was bound to defend, and that he had contributed to lay the foundation of future famines.

Mr. *Western* said, that as he had expressed his sentiments pretty fully upon the subject before the house the last time it was under consideration, he should not then long intrude upon their patience, but he could not help entreating the hon. gentlemen opposite, that at least they would state some specific reasons to justify the apprehensions which had been declared of a scarcity of grain in the country. The hon. gentlemen would make no reply upon a topic which had been again urged, and had been particularly referred to, by an hon. baronet, (sir G. Warrender), namely, the market price of corn, of wheat in particular, at which it was then proposed to prohibit the grain distillery, as compared with what it was upon former occasions, when the same measure was adopted. Wheat was then at the time he was speaking only 72*s.* in 1795. It had arisen in July to 84*s.*, and in August to 108*s.*; in Dec. 1800 it was at 125*s.* barley at 71*s.* before the suspension was determined upon, and it was taken off at a time when it was higher than at the moment it was then proposed to be put on. Not one of his majesty's ministers, nor any other hon. gent. had thought proper to make any answer to, nor any comment upon these observations, but he trusted he should hear something stated upon the subject in the course of that night's debate. Mr. W. said, he begged the house to consider, if they sanctioned the proposed measure upon the only grounds that had yet been stated, what circumstances they could expect to arise that would render it less necessary next year or the year after. The loss of the foreign supply was in truth the only reason that could be fairly insisted upon. Did they then mean to say that they expected the ports again to be open next year, or were they sanguine enough to believe that without the foreign supply, corn would be cheaper than it had been this year? He, for his part, could hardly imagine it would; oats might be somewhat cheaper, and so might peas and beans if the crop was better, but he hardly thought it likely that wheat would, or that upon the whole we should be more plentifully supplied with grain than at present. There was no probability that the same reasons would not exist, if reasons they could be called, for stopping the distilleries next year, which prevailed at that time. He then observed that several gentlemen had remarked, that it was extraordinary the landed interest should so much complain of the loss of the distillery market, when at the same time they were so patient under and so little complained of the annual importation of foreign corn, and which operated to the full as injuriously upon the agriculture of the country as the proposed measure could possibly do. But those hon. gentlemen were compleatly mistaken in their ideas upon that subject. The landed interest did sensibly feel the injury done to British agriculture by the facility of importation of corn of foreign growth, but they felt also the impropriety and impolicy of making these topics the subject of frequent parliamentary discussion. Had those hon. gentlemen forgot that only four years ago an act passed to check the importation of foreign corn in consequence of the strong representations of the landed interest upon the subject at that time? Had they forgot the clamour that was raised against that measure, and the difficulty there was in overcoming those clamours, notwithstanding the support it received in parliament, and the very limited extent to which the principle of that bill was confined? The landed interest did certainly feel strongly that nothing could be more injurious and more impolitic than encouraging the agriculture of foreign countries at the expence of our own. We had all the means of providing for our own subsistence, we had lands, capital, industry, agricultural science, nothing was requisite but proper encouragement, and proper security. It was the height of absurdity to continue such a system of laws and regulations relating to the corn trade as in truth operated to depress the agriculture of our own country, and encourage that of foreign nations; even now, since the passing of the act of 1804, the British markets had been constantly open to foreigners, and the British growers as constantly deprived of any reciprocal advantage. It was true that the provisions of that law were such that the importation would have been checked had the average price fallen to 66*s.* per qr. wheat, and that was a considerable advantage in the security to the farmers against an excessive depression, compared with the act previously existing, but it ought to be stopped at a much earlier period. The prejudices of the people however were strong upon these subjects, and unfortunately their opinions were too generally mistaken and operating against their own object and interests. In the year 1795 the table of the house was covered with petitions signed by thousands of persons, praying the repeal of that law, and expressing their desire in very urgent terms. Neither the administration of that day, however, nor the majority of the house, thought it advisable to comply with the wishes of the petitioners, and it was very fortunate they did not, for the repeal of that measure would have materially damped the spirit of improving agriculture, and we should have now had to deplore the effects. In this instance there was another proof of the different policy which then prevailed, contrasted with that which seemed to govern his majesty's ministers at the present moment; the price of wheat was higher by above ten shillings per quarter when these petitions were presented to the house than it was then, when the grain distillery was about to be prohibited. These circumstances altogether proved, that the landed interest was not indifferent to the importation of foreign corn, though solicitous at the same time to avoid the agitation of questions of such a nature as had always been found to create a considerable degree of uneasiness in the minds of the people.

Lord *W. Russell* expressed his surprise at the silence of ministers on a question of this importance. He wished to know, whether they considered themselves as responsible for this measure, which was brought forward under such suspicious circumstances. He asked, whether it was wise or politic to restrict agriculture in the present circumstances of the country? The proposition appeared to him inconsistent with common sense.

The house then divided: for the second reading 90, against it 39. Majority 51.

[Local Militia Bill.] Lord *Castlereagh* moved the order of the day, for the further consideration of the report on the English Local Militia bill, after which the bill was ordered to be recommitted, so far as related to the two clauses reserved on a former night. On the clause for requiring persons who claim exemptions in consequence of having paid the fine under the act, to sign a declaration that they had not paid by means of any insurance or otherwise than with their own property, being read,

Mr. *Bankes* objected to it, on the ground that it would make the measure bear heavily upon the lower classes, whilst it would operate lightly on the higher classes If personal service was enforced in every instance, the measure would not operate so unequally. But as substitution was not allowed, he thought that the lower classes should be permitted to relieve themselves from the pressure of the fine by insurance, as otherwise the measure would be odious in the country.

The *Secretary at War* was surprised at the opposition made to this clause, because it would go to the whole of the bill. This clause was absolutely necessary to render the bill operative, as, if insurance was allowed, the bill could never take effect. The burthen of the service could not be heavy, or the number of volunteers who offered themselves to serve as local militia, would not be so great as the fact proved it to be.

Mr. *Windham* thought this clause most highly objectionable, because it imposed a heavy partial burthen upon individuals of the lower class, without allowing them to secure themselves against it by insurance. The measure ought either to enforce in every instance personal service, or insurance should be allowed, because in every case the lesser evil would be preferred. In the lower classes the fine would be a greater evil than personal service, and they of course must serve, whilst with the higher classes the fine would be the lesser evil, and they of course would pay it, and not submit to their personal service. The service would be ruin to many persons in business, who must serve, and if the service would be ruin, the fine which went to compel it must be equally ruinous. No option therefore was given, as was stated by the noble lord, because either alternative must be ruin to the industrious classes, whom it would be most desirable to protect.

Lord *Castlereagh* stated that there were only two ways of mitigating the severity of conscription by ballot; mitigation by fine, or mitigation by substitution. He preferred the mitigation by fine; and was not surprised at the opposition of the right hon. gent. because he was most animated in resisting every principle that was borrowed from himself; the fine being the principle of his Training bill, which did not admit of substitution. The insurance he looked upon as injurious to the military service. In the case of insurance offices, the office keeper endeavoured, as was natural, to obtain the men on the cheapest terms, and so far interfered with the recruiting for the army. The same effect was produced by the insurance clubs, and by the assistance afforded by the parishes to individuals of a particular description. The insurance, if allowed in this instance, would have the effect of withdrawing the men from the service. The service under this bill was different from that under the permanent militia establishment; for whilst persons could not enter into the latter, without destruction to all their domestic habits and prospects in life, the service under the former would not be attended by that ruin which the right hon. gent. apprehended. The permission of insurance would have the effect of throwing the whole burthen of service upon the poorer classes, by withdrawing all those whose means enabled them, by insurance, to cover themselves from the personal service. He was convinced, that insurance was at complete variance with the principle of the measure, and therefore he could not consent to allow it under any circumstances to interfere with the operation of this bill.

Mr. *Davies Giddy* thought that the clause, as worded, appeared to be too severe; because it would seem that in every instance the fine was to be the property of the person paying it, whereas he was of opinion that parents should be allowed to pay for their sons, and masters for their apprentices or servants.

Mr. *Babington* did not approve of permitting persons to insure, and thought 10*l.* a very proper sum to be paid in the way of fine. For if the fine was very low, and insurance was permitted, the consequence would be that every person would insure, and the fine would be paid by the insurance offices.

Lord *H. Petty* contended, that by insurance they who insured would not do it to withdraw themselves from the service of the country, but to enable them to meet an option held out to them by the legislature. He insisted also that it was the middle class of industrious persons that would, by the prohibition of insurance be ruined, either by the fine, or by personal service, to the utter destruction of their business or professions. He entirely disapproved of the clause.

Lord *Castlereagh* acceded to the principle suggested by Mr. D. Giddy, and had no doubt that a proviso might be prepared to allow fathers to pay the fine for their sons, and masters for their apprentices or servants, without interfering with the general operation of the bill.—A division then took place, when the numbers were, For the Clause, 106; Against it, 16.—Majority, 90.

The other clause was then agreed to, and the house having resumed, the report was brought up, when the Speaker informed the house, that the whole report was now before the house, and that the question would be that the amendments of the committee be agreed to, which passed in the affirmative.—The amendments having been gone through, lord Castlereagh proposed Wednesday next for the third reading of the bill.

Mr. *Windham* expressed his surprise that the noble lord should be so anxious to precipitate the last stage of the bill, the more so, as it had this night been allowed to proceed two stages.

Lord *Castlereagh* felt no less surprised at the surprise of the right hon. gent., for surely no hurry had taken place in the progress of the bill; on Wednesday last the bill was in a committee, and then the only clauses to which the right hon. gent. had objected, were again under consideration. There was now to occur an interruption of business for three or four days, and during that period, the right hon. gent. would surely be able to make up his mind with respect to any further objections which it might be his intention to offer against the principle or the provisions of the bill.

Mr. W. Wynne, Mr. Tierney, and Mr. Calcraft, were exceedingly anxious the third reading of the bill might not be pressed for Wednesday next, especially if the Curates' bill was to take precedence of it. The bill was unquestionably of more importance than any of those which were said to stand in the way. It was therefore their wish that the bill should take the precedence of any other, if not on Wednesday next, at least on Thursday or Friday. Lord Castlereagh and the Chancellor of the Exchequer observed, that the business which stood for those days could not possibly be postponed. The second reading of the Curates' bill was to have come on immediately after the recess; and the Dublin police bill was with universal consent fixed for Thursday, it being utterly inconvenient for many Irish members to attend after that day. Mr. Windham and Mr. Calcraft still pressed their objections to Wednesday, when the question whether the bill be read a third time on Wednesday, before the discussion on the Curates' bill, was put, and the house divided: Ayes, 56; Noes, 7.

HOUSE OF COMMONS.

Wednesday, June 8.

[Local Militia Bill.] Mr. *Brand* presented a Petition from John Cartwright of Enfield, in the county of Middlesex, taking notice of the Bill for enabling his majesty to establish a permanent local Militia force in England, under certain restrictions, for the defence of the realm; and setting forth, that the petitioner conceives the said Bill is essentially at variance with the English constitution, and, if it should pass into a law, and make part of the present general system of defence for Great Britain, which general system the petitioner conceives to be fundamentally unconstitutional and defective, that system would thereby be farther countenanced, confirmed, and fortified, whence greater danger to the state, and to the laws and liberties of the people, would arise, than that to which they are already exposed; and therefore praying, that the said bill may not pass into a law.—The Petition was read, and ordered to lie on the table.

[Plymouth Dock Police Bill.] Mr. *Tyrrwhit* adverted to the great depredations committed in Plymouth dock-yard, and moved for leave to bring in a bill to establish a Police for that yard.

Sir *W. Elford* admitted the fact of the depredations, and only doubted whether this would be the best mode of remedying the evil. He would not, however, object to the bringing in of the bill.

Mr. *Tyrrwhit* mentioned, that he merely meant to bring it in, and have it printed, with a view to circulate it, and allow it to lie over till next session.

Sir *C. Pole* thought that some measure of this sort would be very useful, if it was not absolutely necessary.

Mr. *Bastard* gave full credit to the motives of his hon. friend, but he hoped that he would take care to fix no censure on the county magistrates; and there could be no censure greater than to have justices appointed by the crown sitting along with them in managing the county business.

Admiral *Harvey* observed that some local jurisdiction was necessary at Plymouth dock.

The *Chancellor of the Exchequer* would not object to the bringing in of the bill, but hoped that neither he nor any in the house, would be understood as pledged to an approbation of it.—Leave given.

[Irish Budget.] The house having resolved itself into a committee of Ways and Means,

Mr. *Foster*, after observing that he would detain the house but a very short time, briefly stated, under the various heads, the sums required in Ireland for the service of the year 1808, amounting in all to 9,767,550*l.* Irish currency; remarking that this was a very large sum for that country. To meet this he enumerated various items, viz. the Ordinary Revenue 4,800,000*l.*; the loan contracted in England for the service of Ireland, 2,708,332*l.*; the loan to be granted by the Bank of Ireland for the renewal of their charter, 1,250,000*l.*; the loan contracted in Ireland, 750,000*l.* &c. making together the sum of 9,767,550*l.* Irish currency.—With respect to the loan contracted for in Ireland, it had been contracted for in the three and a half per cents. and at an interest not exceeding that on the loan raised in Great Britain, viz. 4*l.* 14*s.* 6*d.* per cent. The charges per annum of the interest and sinking fund on the three loans would be as follows:

The Loan raised in Ireland	£45,562
The Bank of Ireland Loan	75,000
The Loan raised in England	159,000
Total	280,462

In order to raise this sum, it would be necessary to impose new Taxes, and he trusted the committee would concur with him in opinion, that it would be better to effect this not by imposing a number of small taxes, but rather to lay on a large tax at once, in such a way as would least affect the community in Ireland. It was well known that in Ireland, as well as in England, the distilleries evaded the malt duties in a considerable degree, by distilling from raw corn; he therefore proposed to extend to all raw corn used in distillation, the duties at present imposed upon malt. It was also his intention to propose an additional duty on foreign spirits imported into Ireland. These sums, together with the saving in the management of the Debt, would more than cover the Charges of the Interest, and Sinking Fund of the three Loans, viz.:

Extension of the Malt Duties to raw Corn, &c.	£.333,000
Duty on Foreign Spirits	22,500
Savings in the Management of the Public Debt	7,500
Total	363,000

There were certain arrangements dependent on the measure now before parliament, relative to the Distillation from Sugar, with which he would not then trouble the committee.

GENERAL RECAPITULATION.

LOAN FOR IRELAND.

Irish Money.		Interest and Sinking Fund.
2,708,332	borrowed in England	£.159,904
2,000,000	ditto in Ireland	120,562
4,708,332	Annual Charge	£.280,466

Ways and Means for raising the said Charge.

1*s.* 8*d.* per gallon on Spirits home made on 6,000,000 gallons	£.500,000	
Deduct one third for Malt	166,666	
		333,334
Duties on Imported Spirits 400,000 gallons, at 13*d.* one-third per gallon		22,500
Saving on Bank Management		7,500
		£.363,334
Deduct charge as above		280,466
Surplus		82,868

Charge on 5th Jan. 1808.

Unfunded Debt	29,557
Treasury Bills	400,000
Remains due to Inland Canals	215,484
—— Howth Harbour	6,000
—— First Fruits	50,000
Other Articles	200,000
	£.901,041

Discharge.

Loan unapplied	871,999
Balance in Exchequer, Jan. 5, 1808	298,115
	1,170,134
Deduct Charge, as above	901,041
Surplus to be carried to Ways and Means for 1808	£.259,093

Interest and Sinking Fund of Debt	3,409,992	
Quota of Expence for the Year (5,868,515 Brit.)	6,337,558	
		9,767,550

Annual Means for 1808.

Revenues and Extraordinary Resources	4,800,000
Loan raised in Ireland	2,000,000
—— Great Britain	2,708,332
Supplies as above	259,093
	£.9,767,425

He then moved a variety of Resolutions, correspondent to his statement, which were agreed to.—A short discussion then took place on the terms of the Irish Bank Loan, which were strongly defended by Mr. Foster. Upon which,

Mr. *Parnell* observed, that he could not agree in opinion with the right hon. gent. (Mr. Foster), that the Loan for 1,250,000*l.* which he had negociated with the Bank of Ireland, was entitled to those terms of approbation which he had bestowed upon it. On the contrary, he considered it as one highly disadvantageous to the public. For, if the right hon. gent. had borrowed this sum in London, instead of the public having to pay an interest at the rate of 5*l.* per cent. they would only have had to pay 4*l.* 14*s.* 6*d.* the rate at which the Chancellor of the Exchequer of this country, a few days ago, made the loan for England. On this sum of 1,250,000*l.* the annual difference in the amount of interest between the two rates is no less than 3,438*l.* so that the public will actually sustain an annual loss to this amount, because this loan has been borrowed from the Bank of Ireland, and not in the usual course, in London, and at the same time with the money wanting for the services of England.—With respect to the other conditions on which the Charter of the Bank is to be renewed, they were by no means such conditions as ought to be acceded to, as a sufficient consideration for so valuable a concession as the renewal of the Charter. The security which the renewal will afford to the Bank for so many years of the great advantages which it enjoys from its exclusive rights in the Banking Trade, should have obtained for the public much more advantageous terms. As to the Bank's agreeing to manage the public debt gratis, and thus to surrender a claim on the public of about 7,000*l.* per annum, this is in fact a transaction unfavourable to the public, if at the same time it is to be understood that the Bank are to make no allowance to the public for the balances of public money which lie in their hands. These balances amount, on an average, to a sum of 300,000*l.* and according to the principles laid down in the report of the Committee of Finance, the public have a just claim to be allowed 5*l.* per cent. on this sum—but instead of any such allowance being a part of the terms entered into with the Bank, no mention is made of these balances, and therefore, in the place of the public being benefited by a sum of 7,000*l.* per ann. on account of no charge being made for managing the public debt, they lose 7,000*l.* being the difference between 15,000*l.* (which the public have a right to receive on the balances of 300,000*l.*), and 7,000*l.* which the Bank have a right to for managing the debt.—In answer to what has been said respecting the favour which the Bank has conferred on the public by lending to them this sum of 1,250,000*l.* the hon. member maintained, that each subscriber to this loan will be able to sell his share, immediately upon the bill being passed into a law, for a premium of 20 or 30 per cent. or even more. For if, upon a capital of 1,500,000*l.* the Bank have been hitherto able for several years, to divide a profit of 7 per cent. and a bonus of 5 per cent. in each year, and if the renewal of the Charter secures to them the continuance of all those means by which they have hitherto made these profits, the addition of one million to their former capital of one million and an half, cannot possibly contribute to lower the rate of profit on which the Bank transact their business; but must inevitably have the operation, that an encreased capital has, in all commercial transactions, to securing, and even augmenting this rate of profit. As to the praise which has been given to the Bank for their liberality in discounting at 1*l.* per cent. below the legal rate of interest, and their claim to the gratitude of the house on this account, he said it was necessary only to observe, that all the bankers of Dublin, one only excepted, discount at the same rate, and that it is not a fair way of judging how far this is a liberal practice or not, by referring it to the law which fixes the rate of interest, because the only just criterion of judgment is the value of money in the market; and when the public loans and the prices of public securities shew that the value of money is not even 5*l.* per cent. it cannot be urged that the Bank confer any very great favour on the public, when they discount at this rate.—But the great objection which he entertained to the bargain which has been made with the Bank by government, he said, arose from a conviction of the impolicy of renewing the Charter so long as the restriction of cash payments continues, for so long as the Bank are relieved from the necessity of paying their notes in specie, they are at liberty to issue any quantity of them they think proper, and to give the Bank of Ireland any greater powers in this respect, or to relieve them from the control which parliament possesses over them, in consequence of the short period their present charter has to run, is a most unwise proceeding; because it cannot be forgotten, that it is not long ago since their paper was depreciated in its value full 10 per cent., and because there is a Report of a committee of this house, in which it is proved, that this depreciation was the cause of the high rates of exchange which, for a few years, existed between England and Ireland. He wished therefore to see this house keeping in its own hands the controul that the power of granting or refusing a renewal of the charter, gives it over the Bank; and with such ample experience of the ill effects of an excessive issue of paper, to act with all due caution in acceding to the terms which have been entered into between the bank and the right hon. gentleman.

Sir *J. Newport* inquired into the state of the Collectors Balances. Last year they had increased 60,000l. He did not attach blame to this circumstance, but he wished to know what prospect there was of their being reduced.

Mr. *Foster* replied, that every regulation on that subject had been hitherto enforced without effect. All possible steps were now taking to reduce the balances, and he had great hopes that before the next meeting of parliament that object would be in a great measure accomplished.—The house having resumed, the report was ordered to be received to-morrow.

[CURATES RESIDENCE BILL.] The Chancellor of the Exchequer moved the order of the day for a committee on this bill. On the question for leaving the chair,

Mr. *Western* objected to the measure, as calculated to interfere without any cause, with the property of the Church, which was as well entitled to the protection of the law as any other, and likely to affect the independence of the Church, as well as to countenance unfounded clamours against beneficed clergymen.

Mr. *C. Wynne* supported the general principle of the bill, inasmuch as it went to provide an adequate income for the resident officiating clergyman. Residence was the duty of the Rector, and it was due to the parish, that the officiating clergyman should have a sufficient provision to enable him to live as a gentleman. If the rector accepted a second benefice, it could not be a hardship upon him to make a proper allowance to the curate, who discharged the duty in the parish in which he did not reside.

Mr. *Creevey* considered the bill a direct violation of property, which had ever been respected. The stipend of a curate had, about twelve years since, been fixed at 75*l.* per ann. This should be the model of any change which might hereafter become necessary. In the present instance, he saw no reason for this dangerous encroachment on property. The stipend of 200*l.* would often be the greatest injustice to the clergy, who were the original proprietors, and sometimes it would be found to exceed the trouble of the situation. To attack the vital principles of property, in this way, was to imitate the worst acts of the worst period of the French Revolution. But why should this system of robbery be directed only against rectorial property? If it were necessary to increase the salaries of the lower orders, why not do so at the expense of the bishops, deans, and chapters? It was a petty fear of offending them; and the bill only armed them with fresh power, while it injured the rectors, who could have no security for their property, whilst it was in the power of any bishop to take any part of his property he should think fit. Such an act of legislation must tend to breed feuds and animosities amongst the different ranks of the clergy, and eventually injure the church establishment and the cause of religion. For what good was the bill enacted? Who requested it? Cambridge university was hostile to it he knew. It was the child of the chancellor of the exchequer, who had published a pamphlet in its support. Oxford university and the clergy of London had expressed their disapprobation of the bill by petitions to parliament; and not one city or county had expressed a hope that it would be adopted. But the right hon. gent. derived his support from a set of men hostile to the church establishment—the members of the Foreign Bible Society, the Society for the Suppression of Vice, and those dealers in Missionaries who had nearly overturned the power of Britain by their late conduct in India. To these he was decidedly averse; but as the bill was almost identified with the present bishop of London, he had to apprise the house that he had given of late great cause of uneasiness to the true friends of the church, and in particular by a late gift of a benefice to a missionary of Bussora, who was a native of Poland, and whom it would even be necessary to qualify for his situation by a form of that house. This had placed the bill in rather a suspicious point of view; and from the arguments which he had urged, he found it his duty to oppose the house going into a committee.

Mr. *Burton* contended that the present bill was no invasion of church property, and quoted several instances from our history, to shew that such changes often took place, from the time of Richard the 2d. The property of the church was, in fact, that of the people, and certain relative duties were expected to be by them performed to qualify them for their possession. In the eye of the law there was another party with respect to church property, beside the impropriator and the curates; this was the people of the parish, who had an indisputable right to their services; and the present bill only made such a provision for the clergy as would enable them to perform with credit to the church those duties of benevolence and hospitality prescribed by a religion they professed.

Mr. *Lushington* supported the bill. It was not enacted for the advantage of dissenters, and was framed to go as far as any legislative act could go at present for the advancement of the interests of the church. The proportion of salary to the curate was only increased in proportion to the value of the rector's income. This was a just principle. At Oxford he knew of no opposition to it, though he was there so late as last week. The great source of opposition to the bill had been the increase of influence to the bishops. This he always wished to counteract: but, in the present instance he saw no cause of alarm, nor were they parties to any alteration by the present bill. From a conviction that the present bill would be of great public advantage, he felt inclined to give it his whole support.

Mr. *W. Smith,* not being a member of the established church, was afraid almost to say any thing on the subject, as it seemed to be connected with party and religious considerations, some of which might be conceived to involve himself; but, nevertheless, he felt himself called on to support the principle set forth by his hon. friend (Mr. Creevey), that there should be no remuneration without reference to labour. He objected strongly to the increase of the influence of the bishops, and wished that livings, both in the hands of lay impropriators as well as others, should be placed on a better foundation. He perfectly absolved the missionaries in India from the crime imputed to them, and thought the evils there had originated in the misconduct of those higher in rank and station.

Lord *Milton* opposed the passing of this bill into a law. The grand objection he had to it was, that it gave the most improper influence to the bishops, who were altogether dependent on the crown, and who would not fail to extend the interests of the crown, through the medium of the regular clergy, among the population of the island. This was an evil of the greatest magnitude. The objection made by his hon. friend, he thought related not to dissenters in name, but applied to such as outwardly professed the established church, but dissented from the true spirit of the 39 Articles, and were enemies in principle to the established church. The more residents, he believed, the less would be the number of sectaries; but from the peculiar frame of this bill, he should propose that the house should go into a committee on it, though he should vote against its passing into a law.

Sir *Francis Burdett* thought the present an instance of legislative interference uncalled for. It suggested no remedy for the evil it pointed out. No one parish had preferred a complaint. It had been urged, that it was necessary to increase the salaries of residents, yet no proof had been exhibited of this necessity. The ground on which the bill stood was absolutely fanciful and whimsical; it went on a supposition of a necessity which, it appeared, did not exist. It seemed the right hon. mover had affixed the idea of respectability among the clergy to the sort of clothes they should wear, or the hospitality of their household. Poverty had hitherto been the badge and honour of our religion; but opinions had changed, and it was not now necessary alone that the clergy should be respectable, but they must also be rich. The catholic religion had one established principle in it, which had done much for its security and protection from encroachment. Though the higher orders of their clergy might be possessed of wealth, the regular and officiating clergy had all the influence over the lower order of the community, which a similarity of life and equality of income must ever give them under any system of religious government. It was not the wealthy compeer of the squire who would be found to possess the most influence. Increase of salary would fail to make them more respectable. He had yet more serious constitutional grounds of objection;—the system of undue influence given by this bill over so great a number of clerical freeholders and voters at elections. If it should be necessary to increase their salaries, an act should follow to disable them from voting, as had been done with respect to others, in less danger of being influenced. The true cause of the grievance now existing was, the neglect of the bishops in permitting persons to take holy orders who were not proper for the situation. These were then left without either livings or income, and the evils now complained of were the consequence. After such an abuse of their power, was it right to give them more? Had they known the state of the clerical establishment, and the number of their clergy, they could not have fallen into the error, and thus have contributed to the disgrace of the clerical function. Perhaps it would be said, the proper place for a bishop was in the house of lords, or at court. Little could be said of such objector's respect or zeal for the cause of religion. The bill looked one way and proceeded another; it pointed out an evil and offered no remedy. If a change should ever take place, it should not be of this description. It went to overturn the whole system of clerical property, a consideration which should have its due weight on the house; especially as it might happen that they themselves might shortly become the sufferers by similar encroachments on the property of lay impropriators. It was, therefore, the duty of the gentlemen of England to shew their disapprobation of such a dangerous innovation on this defenceless portion of the community.

Mr. *Manners Sutton* expressed his surprise at the statement of the hon. baronet respecting the neglect of bishops in admitting improper persons into the church. There was no point in which so much improvement had taken place respecting the church, even within the last 20 years, as in the arrangements made for the examination of persons, candidates for holy orders, in order to secure the admission of none but proper persons.

Mr. *Wilberforce* said, that it was admitted, that the object of the bill was to provide for the poorest order of the clergy. This he thought a great object, and it was adequate for this object. In the great contest in which the noble lord opposite (lord Milton) and he were lately engaged, he had seen nothing on the part of the clergy but consistency and independence. The bishops, he was satisfied, would be better pleased that no option should be left with them, but that they should be imperatively called on, in every case, to give the one-fifth. This, however, would in many cases be inconvenient, if not unjust. On the whole, he thought the measure as it stood, highly conducive to the advantage of the church of England. Many gentlemen were zealous in their efforts to place the catholic religion on a respectable footing. He hoped they would not entirely slight that which they themselves professed; but would evince that the well-being of the church of England was not indifferent to them. Long experience, and a careful attention to the doctrines which it inculcated, had taught him to regard that church with the highest admiration, as embracing the purest system of religion, and that most consistent with the Christian faith. The present measure had his entire support, as one greatly calculated to give strength and stability to the church of England.

Mr. *Windham* regarded the bill now under consideration in a very different light from the hon. gent. who spoke last. He conceived it to be a measure calculated to undermine and weaken, rather than to strengthen that church which the hon. gent. professed so much to admire. It seemed to him to be a bill calculated to sow dissention and discontent, rather than seed likely to produce good fruit. It appeared calculated to set the curate against the rector, and the rector against the curate. It was a bill to endanger, not to benefit the church of England. He was far from denying that the legislature might not interfere to regulate church property as well as any other. Nobody could deny that proposition; but still it remained a question, was such interference necessary? Nobody could deny that the king held the reins of government for the benefit of his subjects. But still the talking of cashiering kings was a doctrine not to be lightly introduced, or to be acted on but in cases of the most crying necessity. In the same manner, though the legislature might have a controul over the property of the church, it was a controul to be seldom exercised, nor even to be often talked of; it being a fact that the solidity of the tenure, by which the property was held, was diminished even by the frequency of the dis-dren in the respective poor-houses ought to be vaccinated, by persons properly qualified.

Sir *T. Turton* thought it would have been a preferable mode of proceeding to move for a committee to investigate the subject. There were already three Institutions in London for the express purpose of propagating the Cow pox, and in his opinion, the object which the right hon. gent. had in view, was more likely to be obtained by private subscriptions, and by any assistance which government might think proper to grant in aid of such subscription, than by an Institution formed expressly under the auspices of the legislature.

Lord *H. Petty* contended, that as the evidence was still in some degree incomplete respecting the efficacy of Vaccination as an infallible preventive of the small pox, it was highly proper that the investigation should be persevered in under the eye of the public; and as this was one object that he conceived the right hon. gent. to have in view in his Institution, he thought this object more likely to be attained by one general institution, than by a number of small institutions, some of which were not perhaps altogether exempt from the imputation of being guided by mercenary motives.

Sir *F. Burdett* reminded the house of the different complexion which the discovery had now assumed from that under which it was first introduced to the public. It was at first said to be a thing so simple in itself, that any old woman might perform the operation, whereas it was now described as one so extremely difficult, that it ought only to be entrusted to men of great professional skill and experience. There was some danger, therefore, that we might be fostering a very fatal mistake. With this impression, he confessed, that in the present circumstances, he felt considerable difficulty in voting for any measure, the object of which was to disseminate it. He thought, at all events, that before tying the house down by a Resolution, it would be better to appoint a Committee, further to inquire into the efficacy of the discovery.

Mr. *Wilberforce* said that in foreign countries there was a firm and decided opinion of the efficacy of Vaccination as a preventive of the small-pox; and he did not think that the instances of alleged failure in this country were sufficient to shake our confidence in it. But if any doubts were entertained, he did not see that there could be any better method of solving them than by forming an Institution of the nature of that proposed by his right hon. friend, to whose investigation every case of failure in future would be submitted.

Mr. *Rose* explained. His object was merely to bring the house to a Resolution such as he had proposed, and to communicate that Resolution to his majesty by address, in order to his giving such directions as would be suitable to the case.

Mr. Secretary *Canning* declared, that though he considered the discovery to be of the very greatest importance, he could not figure any circumstances whatever that could induce him to follow up the most favourable report of its infallibility which might be brought forward, with any measure of a compulsory nature.

The house then divided: For the motion 60; Against it 5. Majority 55.

[IRISH TYTHES.] Mr. *Parnell* said, that since he gave notice of his intention of submitting to the house a motion respecting the collection of Tythes in Ireland, he had had an opportunity of learning, from the right hon. the chancellor of the exchequer, that this subject had been for some time under the consideration of his majesty's ministers, and that it still was so, with a view of bringing forward some measure for remedying the evils complained of, if it should appear to them that any measure could be devised for this purpose. Under these circumstances, he conceived he should best consult the interests of those who desired an alteration in the present system of tythes, if he postponed his motion for the present. He would, therefore, do so; wishing it, however, to be distinctly understood, that if his majesty's ministers did not bring forward some measure early in the next session he would then submit to the house the same motion which he had proposed to submit to it on Monday next.

Mr. *M. Fitzgerald* disapproved of the hon. gent.'s withdrawing his motion; and gave notice, that, on Thursday, he should move for the appointment of a Committee to inquire into the state of the Tythes in the county of Kerry.

HOUSE OF COMMONS.

Friday, June 10.

[KING'S MESSAGE RESPECTING SICILY.] Mr. Secretary Canning presented the following Message from his majesty:

"G. *R.* His majesty thinks it proper to inform the house of commons, that he has concluded a Treaty of Alliance and Subsidy with his Sicilian majesty. His majesty has directed a Copy of this Treaty to be laid before the house of commons, and trusts that his faithful commons will enable his majesty to make good the engagements contained therein."

Mr. Secretary *Canning* then moved, that his majesty's most gracious Message be referred to the Committee of Supply. He took this opportunity of stating, that though this Treaty was now for the first time brought forward, it was no new transaction, but one which the present ministry had found to have been in the contemplation of their predecessors, and that in the year 1805 it had been intended to conclude a treaty with the king of Sicily, by which a subsidy of 300,000*l.* per annum was to have been granted to that monarch. The events which occurred towards the end of that year, however, were sufficient to account for nothing being then done to bring the treaty to a completion. In the beginning of the following year, things continued in a similar state. In the autumn Mr. Drummond had been sent for the purpose of adjusting the business, but on the return of the treaty, it was found to contain stipulations to which his majesty had been advised not to assent; and it was but lately that the business had been finally arranged. He had thought it necessary to say thus much, that the house might see that this was not a new measure.

[TREATY WITH SICILY.] Mr. Secretary Canning then presented to the house a copy of the said Treaty, as follows:

"TREATY OF ALLIANCE AND SUBSIDY, between his majesty the king of the United Kingdom of Great Britain and Ireland, and his majesty the king of the Two Sicilies—signed at Palermo on the 30th of March, 1808.

"His majesty the king of the United Kingdom of Great Britain and Ireland, and his majesty the king of the Two Sicilies, being equally animated by a sincere desire of strengthening more and more the ties of friendship and good understanding which so happily subsist between them, have judged that nothing could contribute more efficaciously to that salutary end, than the conclusion of a Treaty of Alliance and Subsidy. For this purpose their said majesties have named their respective plenipotentiaries, viz. his Britannic majesty, the right hon. William Drummond, one of his majesty's most hon. privy council, and his envoy extraordinary and minister plenipotentiary at the court of his said Sicilian majesty;—and his majesty the king of the Two Sicilies, the right illustrious and right excellent Thomas de Somma, marquis of Circello, his gentleman of the chamber, field-marshal of his armies, knight of his royal order of St. Januarius, his counsellor of state, secretary of state for the department of foreign affairs, and superintendant general of the ports; who, after having communicated their respective full powers, have agreed upon the following articles:—Art. I. There shall be a continuance of the sincere and constant friendship between his Britannic majesty and his majesty the king of the Two Sicilies, their heirs and successors, which has always subsisted up to the present time. 2. The two high contracting parties shall afford to each other, during the present war with France, every succour and assistance, in proportion to their respective forces, and shall prevent by common consent, every thing that can cause them trouble or detriment. III. His majesty the king of the Two Sicilies engages to grant to the troops of his Britannic majesty, stationed in the fortresses of Sicily, and to all British ships of war, an exemption from all duties belonging to him, upon every thing of which the British squadrons in the Mediterranean, and the troops of that nation may stand in need, and which the country can furnish, in provisions, food, and in military and naval stores. IV. His Sicilian majesty being desirous of giving an additional proof of the sentiments by which he is animated, also engages to exempt from all duties belonging to him upon such provisions as may be requisite for the British ships of war at Malta, as well as all military stores which are to be found in the country, on condition however, that each vessel or vessels of war be furnished with a requisition from the governor of the said island, which shall specify the articles, and the quantity required. V. His Sicilian majesty further engages in virtue of the present treaty, never to allow the enemies of Great Britain to bring into any of his ports during the present war, any British ships taken by the enemies of Great Britain. VI. His Sicilian majesty also engages to open the ports of the Two Sicilies during the present war, to British squadrons, as well as to all merchant and other ships belonging to British subjects, without any restriction whatever, referring to the third article, with respect to exemption from duties. VII. His Britannic majesty engages in return, to defend during the present war the fortresses of Messina and Augusta, and to maintain there for that purpose, at his charge and expence, a body of troops which, in the present war shall consist of ten thousand men, and to augment their number if the case shall require it. The disposition of which troops in the said fortresses, shall be in such manner and proportion as the commanding officer (to whom every requisite facility shall be given), shall judge expedient: and his Britannic majesty stipulates, that the said general officers shall have the power of exercising martial law in the above-mentioned garrisons, with respect to their British troops, in the same manner, and according to the same rules, as are observed in other English garrisons.—Quarters for the said troops shall be provided in the abovementioned fortresses by his Sicilian majesty. VIII. His Britannic majesty farther engages to pay to his Sicilian majesty, during the continuance of the present war, an annual subsidy of 300,000*l.* sterl. (to commence from the 10th of September 1805, when the British and Russian troops landed in the Neapolitan territory), payable at the rate of 25,000*l.* sterling per month; which payment shall always be made one month in advance, computing from the date of the signature of the present treaty. His Sicilian majesty purposing to employ the said subsidies for the use of his marine, and of his land forces, shall regulate the distribution of them in such proportion as these two services may require, for the defence of his states, and for operations against the common enemy, and an account shall be given every three months to the British government, of the manner in which his Sicilian majesty shall have employed the subsidies paid to him by Great Britain. IX. The two high contracting parties desiring to strengthen more and more the ties which unite the two nations, and to extend their mutual relations, will employ themselves, soon as possible, in concluding a treaty of commerce, the articles of which shall be equally advantageous to the subjects of both states. X. His Sicilian majesty engages not to conclude with France a peace separate from England; and his Britannic majesty on his part also engages not to make a peace with France without comprehending and saving in it the interests of his Sicilian majesty. XI. The present treaty of alliance and subsidy, shall be ratified by the two high contracting parties, and the ratification shall be exchanged in due form in London, within the space of four months from the date of its signature, or sooner if possible.—In witness whereof, We, the undersigned, furnished with full powers from our respective sovereigns, have signed the present treaty, and have thereunto affixed the seal of our arms.—Done at Palermo, this 30th day of March, 1808.

(L. S.) W. DRUMMOND.
(L. S.) THOMAS DE SOMMA."

[SPAIN.] Mr. *Sheridan* gave notice, that he would on Monday next put certain questions to his majesty's ministers relative to the nature of the advices lately received from Spain, tending to ascertain the state of that country, the conduct that this country ought to pursue with respect to it, and the conduct his majesty's government meant to pursue. He did not mean to press for any improper disclosure, either with regard to Spain, or the measures to be adopted here, but merely to come to an understanding upon general facts and principles.

[PUBLICANS LICENSES.] Mr. *Sheridan* rose to move for leave to bring in a bill to amend the act for licensing alehouse-keepers, inn-keepers, &c. Alluding to the meetings held for some time past, at the St. Alban's tavern, for the purpose of preventing any rise in the rate of Posting, he took occasion to express his reprobation of all such combinations among lords and commoners, as, if attempted among the poor and labouring classes of the community, would be deemed illegal, and punished as such. Seeing an hon. member and magistrate for the county of Sussex, however, in the house, he could not refrain from candidly stating to him a circumstance relating to that hon. member which had reached him, and by the hon. member's explanation of that circumstance he should be enabled to judge, whether he must not extend his bill further than he originally intended. The circumstance to which he alluded was this; that at one of these meetings at the St. Alban's Tavern, it having been doubted, whether it would be better for them to apply for the interference of parliament, or to proceed in their own parliament, that hon. gent. had said, that they were both idle measures, and that the one he recommended to the magistrates of Sussex was the effectual mode, namely, to stop the licence of every person who presumed to raise the rate of posting. He gave the hon. member an opportunity of saying, whether the fact was or was not so; and concluded by moving for leave to bring in the bill.

Mr. *Fuller* said, that instead of being either lord or commoner, as the hon. gent. would have it be supposed all the associators at the St. Alban's tavern were, his informant must have been a post-master. He never did say what the hon. gent. had stated. He had said, that the best mode of effecting their purpose was by encouraging a competition: and where there was only a single house, to encourage a rival. He had said, that the power of checking the evil in this respect, where charges were enormous, was in the breast of the magistrates themselves; and that they were too frequently enormous, he instanced the charge of 150*l.* made by an inn-keeper on the French ambassador for a breakfast. He had as much regard for the liberty of the subject as any man, and so had his father before him.

The *Chancellor of the Exchequer* objected to a measure of this kind, which had been formerly withdrawn, on account of the late period of the session, being again brought forward, without any ground assigned, and also at an advanced period of the session. He should therefore negative the motion.

Mr. H. Browne, Mr. Giddy, Mr. M. A. Taylor, and Mr. Rose, all spoke against the measure, which was negatived without a division.

[LOCAL MILITIA BILL.] This bill was read a third time. After which,

Lord *Castlereagh* introduced a number of new clauses by way of riders. Four of these, supplying omissions of the bill, were read and agreed to. On the fifth being brought up, which went to confer on magistrates the power of allotting at their discretion, to persons giving information of offences against the said act, a part not exceeding one third of the penalty, on conviction,

Mr. *Barham* objected to this mode of introducing new provisions into a bill, without affording any opportunity of duly considering them.

Mr. *Windham* concurred in the opinion of the hon. gent: declaring that he thought five riders upon one horse were too many, however long his back might be.

Lord *Castlereagh* stated, that all the clauses which he had hitherto proposed, contained nothing more than what was necessary to carry into effect the provisions of the bill.

Sir *J. Newport* thought this clause of much importance, and that it was of still greater importance, not to allow this new practice of adding so much additional matter, without a possibility of ascertaining its precise tendency.

The house then divided. For the clause, 61; Against it, 15.—Majority, 46.

Lord *Castlereagh* then proposed a clause, enabling the magistrates to call out the Local Militia in cases of riot; and providing that whatever number of days they should be out in this manner, should be deducted from the subsequent number of days of drill.

Sir *F. Burdett* opposed it as shifting the power lodged by the constitution in the sheriff to the magistrates.

Mr. *Windham* thought the clause would be vesting enormous powers in the magistrates; and that it would be useless in its operations, as it would be easier to call in the regular troops, than to assemble this force when dispersed.

The *Chancellor of the Exchequer* defended the clause. If any disturbance existed in the country, to whom could the house intrust the power given by this clause, more safely than to the magistrates.

Mr. *Whitbread* characterised the clause as a great innovation on the constitution.

Mr. *D. Giddy* denied that it was any innovation on the constitution.

Sir *S. Romilly* contended, that as it was a perfect novelty, and involved in it most important principles, it ought not to be introduced by way of rider to a bill, but ought to be brought forward in a separate form, and deliberately discussed.

A division ensued; for the clause 97; against it 30; Majority, 67.

Mr. *Whitbread* was desirous of proposing a modification by which this obnoxious clause might be amended, if this were the proper time to do so.

The *Speaker* informed the hon. gent. that this was not the proper time.

Mr. *Sheridan* could not conceive that any amendment could render this clause tolerable. It was one of the most direct infringements on the constitution that he had ever known. Its dangerous tendency could be equalled only by its absurdity. If it were thought advisable to give to the magistracy this power over the Local Militia, why not give them the same power over the volunteers, over the old Militia, or over the regular army? Nothing could be more ridiculous than the present proposition. How would it be possible to collect the Local Militia for the purpose of suppressing a riot, and if collected how were they suddenly to procure their arms? He presumed, that if a riot took place on Saturday, the notices for the Local Militia to assemble were to be affixed to the church doors on Sunday, and that early on Monday morning they were to begin to set to work to restore tranquillity. He gave the clause his most decided opposition.

Lord *Castlereagh* stated, that this clause was literally copied from the Volunteer acts, and as a considerable number of the volunteer corps were likely to become a Local Militia, it was desirable to have the same provision applicable to them in case of their being called out on this service.

Mr. *Windham* argued against the clause, because the regular troops, in case of being called out to suppress a riot, acted with a degree of caution which would not be exercised by an undisciplined force.—On the question that the clause be read a third time,

Mr. *Whitbread* proposed as an amendment, 'that the magistrates, or deputy lieutenants, calling out the Local Militia in cases of riot, should not be officers of such Militia;' which was negatived.

Mr. *Sheridan* proposed that some personal notice should be served upon the members in the Local Militia when called out on such occasions, before any penalty could attach; but that suggestion was over-ruled; after which the clause was added to the bill by way of rider.

Several amendments were then proposed and made to the body of the bill. On the clause directing that the surplus of the amount of fines and penalties, over the amount of fines paid into the Bank, should be defrayed out of the county rate,

Mr. *C. Wynne* objected to that provision, as likely to produce an injurious and unequal effect, and moved an amendment to leave out the words, "that a separate account be kept of fines and penalties." Some short conversation took place upon this amendment, but it was negatived without a division.—On the motion that the bill do pass,

Mr. *Windham* congratulated the house upon the lessons which it had received in the course of the evening, in the science of legislation, by the different processes of erasure, engrossing, &c. which used to be transacted out of doors." These processes, however, had occupied so much of the time of the house (no less than five hours) that he should now compress what he had to state into a small compass. He observed in setting out, that the military establishment of this and every other country was composed of two divisions, the army and what was not army. Of the former division he did not now intend to speak; respecting the latter, it was constituted upon two principles, either of being incorporated or not incorporated; and this distinction formed the great ground of difference between himself and the noble lord. The noble lord was of opinion, that the whole subsidiary force of the country should be regimented; he thought, on the contrary, that the enrolment, and a certain degree of training, was all that was necessary; and that the incorporation proposed to be carried into effect by the bill was a great burthen, and would be attended with very little benefit. No man would seriously contend, that these regiments of local militia would be fit to be placed in the line of the army in case of invasion; and if they could not be so employed, incorporating them in regiments was locking up a part of the population of the country, starving the army, and absolutely purchasing weakness at an enormous expence. With respect to the advantage of discipline, it would not be great in either case; indeed, it might be so little, that the value of the difference must be considered evanescent. But the species of force it gave the country for the expence was the consideration; and for what object was this expence to be incurred? Why, for nothing else but to have an incorporated force, officered by the topping men of the district, such as Mr. Such-a-one, the general dealer, and Mr. What-d'ye-call him, the attorney. It was ridiculous to place any dependence on a species of national defence so arranged. Would any man, who knew what had taken place on the continent of Europe, be so credulous as to believe such men able to cope with the disciplined armies of France, which, if they should come at all, must come flushed with conquest? He, at least, who was a volunteer officer, and an unmilitary man, must be allowed to apprehend great danger in depending upon such a description of force, and of locking up in it such a portion of our population, within the ages of 18 and 30, and this at an enormous expence, an expence almost exceeding the belief of most men, and which went not to purchase strength, but actual weakness. Did the noble lord think, that by such a force he would frighten Buonaparte, and strike terror into the invading armies? What was it then that the army clothier could produce? If their being stuck into regimentals would produce this surprising effect on the enemy, it was a wonder that the noble lord did not follow up the measure, and render them more formidable by encouraging the growth of whiskers. If the house should feel willing to accede to the principle of this measure, and to rest its hopes upon a tumultuary force, or upon the refuse of an army, let it at least profit by the experience which the fate of other countries must have afforded. If the country was to employ and pay for dirt, for God's sake let it be English dirt. Let it employ its stout athletic colliers and coal-heavers. Let it pay its aspiring chimney-sweepers for their exertions. They could in their own way annoy the enemy; and when pursued, could climb the trees with the facility of squirrels. But the noble lord was friendly to the bustle of the thing. He liked to see men marching out of this village in order to be drilled in the contiguous one. He conceived the public would be struck with its efficacy and execution, for the noble lord might be assured that it would take great effect. The number of the undone would be considerable, and at least amongst the poor persons ruined by its operation, he would be enabled to furnish a large Gazette of killed and wounded. He concluded by observing, that the arguments of the noble lord accorded with the arguments of the vulgar, that what was most expensive was best: it reminded him of the story of the countryman who came to town to have his tooth drawn, who, astonished at the little pain with which the operation was performed, refused paying the operator half-a-guinea, saying, that in the country he could have the job done for half-a-crown, and be dragged round the room into the bargain.

Sir *F. Burdett* expressed his disapprobation of the measure, both as oppressive and unconstitutional. The bill united in itself all opposite defects. It was at once oppressive and ineffectual; harrassing to the subject, and at the same time completely impotent as a measure of national defence. It ought rather to be called a bill of pains and penalties, than a bill for the defence of the country, as it contained no less than eleven penalties, without counting those which might have been annexed to the clause brought up by the noble lord this evening. He did not think that we ought to trust for our defence to a standing army alone, after having seen it fail in so many instances in other countries. But we ought to look at the internal condition of the people, upon which the existing taxes already bore too heavily, and which would certainly be rendered much worse in consequence of the oppressive enactments of the present bill. He professed himself to be a great enemy to the practice of flogging, as detrimental even to the service itself; and in this opinion he was supported by the rule of the French armies, where this practice was wholly exploded. The noble lord seemed to act on the principle of 'evil, be thou my good;' he had altered the system of the right hon. gent. on this side (Mr. Windham), which must in its natural tendency have considerably added to the eligibility of the situation of a soldier's life; and he now proposed to pervert the character and habits of the British people at large. If such a system was to be carried into execution, if the poisoned cup was to be coolly administered to the lips of Englishmen, it was fit that it should be furnished by the self-same person that had viewed with coldness the scenes which had been witnessed in Ireland. A delicate word might sometimes be used to express a cruel or a barbarous action, and in this light, the delicate term 'discipline' might be used to convey an idea of lacerating men's backs; of tearing, by means of the scourge, the live flesh off men's bones. This was by some called flogging; but, if the noble lord through delicacy called this 'discipline,' the hon. bart. said he had only to wish that he might keep his delicate hands off the backs of Englishmen.

The *Secretary at War* defended the system pursued in the British army, against the insinuations of the hon. baronet; and asked how an army could be kept together or be harmless without enforcing discipline? Was not the necessity of discipline manifested by the experience of all nations and of all times?

The Hon. *F. Robinson* contended, that the discipline in the British army was milder than in the army of any other country. The discipline in Russia and

Prussia was severe to a proverb; and it was well known that the stick was frequently employed in the French army [A loud cry of No, no.] The hon. gent. could only assure the house that he had heard so from persons who were witnesses of the fact.

Mr. *C. W. Wynne* supported the measure, as believing that it must be productive of a much better system than the present volunteer establishment.

Mr. *W. Smith* denied, from the best authority, that the stick was made use of in the French army, as a mode of punishment. At the same time, though he knew it was by no means general, he could maintain that such a mode of enforcing discipline, was practised here [a cry of No!] Gentlemen might cry No, but he had been an eye-witness of the fact. He mentioned it with a hope that its being publicly noticed might lead to the correction of so gross an error, such a breach of the military constitution.

General *M. Mathew* said that he would bring the officer to a court martial who would presume to use any man under his command in the manner that had been alluded to.

Mr. *M. A. Taylor* was of opinion, that it would be improper to have the Local Militia on a different footing in point of discipline from the regular militia.

Admiral *Harvey* observed, that both soldiers and sailors in the French service were flogged with a cat-of-nine-tails.

Sir *Jas. Hall* in rising to support the bill, begged to have it understood that he was not inclined to do so from any love which he bore to the measure itself, nor from any expectation that the great inconveniences to which it would expose the country, would be compensated by any adequate addition to our internal strength; but as leading to the measure proposed by his noble relation the earl of Selkirk, to which it bore a considerable resemblance in point of form, though very different in spirit and tendency. The difference between the two systems depended principally upon one practical circumstance, by the alteration of which one of these systems might be converted into the other; namely, the circumstance of raising the men required by a ballot upon all persons from 18 to 35, as proposed by the noble lord; or, on the other hand, by calling out all the young men who in each successive year attained the age of 18, as proposed by his noble friend. He had concurred with some of his friends in endeavouring to obtain that alteration in the committee, but without success. In the course of that discussion, however, the noble lord by whom this measure has been brought forward, admitted with great candour, that the characteristic feature of lord Selkirk's plan, by which the youngest persons of the community were exclusively called out in the first instance, was superior to his own, in the abstract; but he was induced to abandon that advantage, and to adhere to the plan proposed, as best calculated to maintain the establishment produced by the volunteer system, to repair the breaches made in that force by the decay of the spirit which first raised it, and to fill up the blanks occasioned by its original failure in particular occasions. The hon. member expressed his conviction that the volunteer system was admirably calculated to do away all internal discontent and commotion, and that in this way it had saved the country from the utmost danger; but that the slight degree of military discipline required for this purpose was totally unequal to what our present situation required, threatened as we were by the most tremendous military force. The attachment of the noble lord to the volunteer system, now decayed and superannuated, might be harmless in common times, but it was ruinous at present, by consuming the precious time which circumstances allowed for preparation. The danger to which we were exposed, arose not only from the force opposed to us, but still more from our situation at home; from the strange apathy, the idle confidence, which pervaded this country; an apathy, an idle confidence, no where so conspicuous, or so astonishing as within these walls. A situation never occurred in history more noble, more conspicuous, than that in which the house stood. The bulwarks of humanity were battered down; they stood alone in the breach, an awful responsibility lay upon them; but they had a gallant nation at their back ready to follow every spirited lead, with the more alacrity as it was spirited, but if they were careless and sluggish with regard to such an essential object, what could be expected from the people? This carelessness seemed to arise, not from want of spirit or activity, but from the contemplation of a calamity against which we saw no remedy, and from which we shrunk as from the contemplation of death. The plan before us offered no refuge from this desperate view; but that such a refuge was furnished by the plan of his noble friend, which, by raising this country to the dignity of an armed nation, afforded the means, not only of extricating us from our present difficulties, but also of transmitting the constitution unimpaired to our posterity. As no better could be done, he was induced now to support the plan proposed by the noble lord, which by its practical application, and chiefly by its defects, might be the means of bringing the plan of his noble relation into notice.

General *Stewart* supported the measure, and maintained that any private soldier could obtain redress by an application to his royal highness the commander in chief.

Mr. *W. Smith* did not mean to impute any thing in the least improper to his royal highness, neither did he mean to say that the practice was general.

The house then divided: For the bill, 104; Against it, 26. Majority, 78. The bill was then passed, and ordered to the lords.

HOUSE OF LORDS.

Monday, June 13.

[MR. PALMER'S CLAIM.] Lord *Hawkesbury* observed, that seeing by the votes of the house of commons, that a measure was in progress there, relative to the Claims of Mr. Palmer, he thought it right to propose to institute an inquiry in their lordships' house in the mean time respecting those Claims. He therefore moved to appoint a committee to inquire into the nature of the Agreement entered into by government with Mr. Palmer respecting the improvement of the Post-Office, and the causes of the suspension of Mr. Palmer from the comptrollership of the Post-Office.—A committee was appointed accordingly.

[TREATY WITH THE KING OF SICILY.] Lord *Hawkesbury* moved the order of the day, for taking into consideration his majesty's Message, respecting the Treaty concluded with his Sicilian majesty. The object of the motion with which he should conclude, would be to induce the house to concur in making good the stipulations by which his majesty was bound in that treaty; and to bring their lordships to acquiesce in that motion, only a very few observations, he thought, would be necessary. The present Treaty was in substance the same as that concluded and approved of by former administrations; but as what was proper and expedient two years since, might not be proper and expedient at the present moment, he should not rest his motion merely on that ground, but observe further, that as the circumstances between the two countries remained nearly the same as at that period, the expediency of pursuing the same line of conduct must also most probably remain. The sum stipulated to be granted was the same, viz. 300,000*l.* for which reciprocal services were to be performed. Their lordships would no doubt recollect the circumstances out of which our connection with Sicily arose, and they would therefore be sensible of the fidelity and generosity with which the country must feel itself bound, strictly to adhere to its different stipulations. His lordship concluded with moving an address to his majesty, assuring his majesty of their cordial concurrence in the object of his majesty's gracious communication.

Lord *Holland* did not mean to find fault with the Treaty, although probably its policy or impolicy might at the present moment, in a great measure, depend upon circumstances, of which that house could not be informed, and which, indeed, it would not be proper to communicate. He readily admitted that some such treaty was called for by the claims which his Sicilian majesty had upon the generosity and honour of this country. At the same time, however, there were circumstances connected with the state of Sicily which afforded ground for much anxiety, and he was glad to find that precautionary provisions were inserted in the treaty; but he regretted that in addition to the two fortresses which our troops were to occupy, that of Malazzo was not also directed to be garrisoned by our troops, the latter fortress being of great strength and importance, and kept up at a trifling expence.—The motion for the Address was then put and agreed to.

HOUSE OF COMMONS.

Monday, June 13.

[KING'S MESSAGE RESPECTING A VOTE OF CREDIT.] The Chancellor of the Exchequer presented the following Message from his majesty:

"G. *R.* His majesty, relying on the uniform zeal manifested by his faithful commons to provide for whatever exigencies the situation of affairs may require, recommends to this house to enable him to take such measures as the circumstances of the extensive warfare in which his majesty is engaged may render necessary to counteract the plans of his majesty's enemies, and to provide for the safety of his dominions."—Ordered to be referred to the Committee of Supply.

[Affairs of the East India Company.] Mr. R. Dundas moved, that the house do go into a Committee of Supply, to whom should be referred the Petition of the East India Company, and the Report of the Committee appointed to enquire into the affairs of the said Company. Upon the motion being put from the chair,

Lord *Folkestone* rose, and objected to the Speaker leaving the chair, as he thought the report alluded to was perfectly unsatisfactory, and contained so little information, that it would be quite improper for the house to go into its consideration. On a former occasion an objection had been stated as to the manner in which that committee had been formed, and he still looked upon that objection as being justified by the report now upon the table. There were, in his opinion, various facts, of which the house ought to be in possession, before they proceeded to vote any great sum of money to the East India Company.

Mr. *R. Dundas* observed that the objections of the noble lord would be better reserved for the committee.

Mr. *Creevey* was of the same opinion as the noble lord; but would not object to the house going into the committee.—The house having gone into a Committee of Supply,

Mr. *R. Dundas* then stated, that it would be unnecessary for him to say much, as the Report contained most of the facts that were necessary to be detailed. Some misunderstanding had arisen between the Accountants of the Company and the public, which were referred to the committee appointed upon East India affairs, who had thought it necessary to adhere to the principles laid down by the former committee. The first article charged by the Company was the expence of prisoners of war conveyed by his majesty's ships to India, immediately upon capture, which necessarily became chargeable upon the public; and the next was the expence of remitting to India such sums of money as had been paid by the Company to the public in liquidation of the balance owing to them. A question had been stated, as to whether the public should be bound to pay in India the money so borrowed, or to the Company in this country, and disputes had arisen as to the rate of interest to be allowed. It had been, however, settled, by the Report, that not only the expence of the remittance of bullion to India, but the usual interest of that place, where it was originally borrowed, should be paid. Upon these grounds he did not feel himself justified in calling upon parliament to make any advance to the Company farther than that which had been formerly stated to be actually ascertained to be due. He concluded with moving, "That a sum not exceeding 1,500,000*l.* be granted to his majesty, to enable him to pay the same to the East India Company on account of expences incurred by them in the public service."

Lord *Folkestone* repeated the objections he had urged before the house had gone into a committee, and then moved as an amendment, That instead of 1,500,000*l.* the sum of five pounds be inserted.

Mr. *Creevey* said, that he was rather disposed to agree to the Resolution, with the exception of one item, amounting to 160,000*l.* which he could not consent to vote.

Mr. *Tierney* supported the Resolution. Although the committee were not vested with the authority of arbitrators, yet they had been appointed to ascertain the amount of the debt due upon either side. The result of their inquiry was, that 2,300,000*l.* were found due by the public to the Company, part of which having already been paid, this vote was only for an acknowledged balance, joined to some further subsequent claims. The point at issue, therefore, was relative to the rate of interest and the mode of transmitting payment of the debt due by the public to India. As to this, he had no doubt of the charge made by the Company being perfectly fair and reasonable, and that if their accounts had been submitted to a master in chancery, the amount of their claim upon the public would have been nearly four millions, instead of the sum at which it had been charged in the Report. He could not really see any just grounds for objecting to the liquidation of the debt as now charged, as it was strictly due by the public. If the noble lord was determined to persist in objecting to any part of that debt, he should at least allow, even in his amendment, that which he might look upon as unobjectionable.

Lord *Folkestone* stated, that the principle upon which he had proposed a grant of five pounds, was merely for form sake, as he objected to the voting of any sum whatever upon the Report in its present imperfect state. He did not object to the paying of Indian interest so much as he did to the expence which was charged for carrying out bullion to India.

Sir *John Anstruther* said, he most heartily concurred in the Resolution, as it appeared to him it was fair and reasonable the Company should receive payment of the money in the same place, and in the same manner, in which it had been borrowed. The public must be paying interest for that money, until such time as it was sent out to India, and therefore he thought there could be no question as to who should bear the loss.

Mr. Wilberforce and lord Morpeth severally stated their sentiments in favour of the original resolution, and lord Folkestone's amendment was negatived without a division. The original resolution was then put and agreed to.

[Sicilian Subsidy.] The Chancellor of the Exchequer then moved a Resolution, That 300,000*l.* be granted to his majesty, to enable him to fulfil his engagements with the king of Sicily.

Mr. *Whitbread* desired some explanation as to the lateness of the time at which this treaty was laid before the house; and how this sum came to be paid so long by government without any former communication to parliament. Policy required, that when we gave away such large sums we should know wherefore. He also observed, that returns ought to have been laid before the house, of the proper application of this money. He observed in the treaty that a particular number of men was mentioned, as that which it would be necessary to provide for its defence. He did not approve of this. It was certainly enough for us to say that we would defend it, leaving the number to our discretion.

Mr. Secretary *Canning* entered into a detail of the circumstances by which Naples had been drawn into the war with France, and stated that it had been done by a Russian commander who had landed troops there. But the king of Naples being drawn into the war, G. Britain was bound by every consideration to assist him in his defence. The engagement to pay 25,000*l*, a month, or 300,000*l.* a year, had been entered into by the government before the late one, and part of the money had been paid. In 1806, when the change took place, the Sicilian ambassador applied to the ministers, and it was resolved that a regular agreement should be drawn up, but, in the mean time, the payments were made. The regular engagement was not drawn up till the close of that administration. The instrument arrived here in July or August last; but from some mistake of Mr. Drummond, there was an article in it to which we could not agree. It was therefore necessary to send it back, and he hoped it would appear that they had laid it before the house as soon as possible. With regard to the returns mentioned by the hon. gent. these could not very easily have been made previous to this period; but Mr. Drummond had declared that the greatest exertions were making in Sicily; and he might be the more readily depended upon, as he went out with an inclination to think that they would scarcely act with all the requisite energy. As to the number of troops, it was judged necessary to fix the minimum, which was 10,000 men, but there was nothing to prevent us from sending more, if that should be judged proper, and more there actually were at this moment.

Lord *H. Petty* thought the answers satisfactory. He was of opinion, however, that the specific provisions for the defence of the island, ought to have appeared on the face of the treaty, in a manner more full than they actually did.

Mr. *Whitbread* admitted that the answer to the first question was satisfactory, and was glad that a Russian and not a British commander had been guilty of that most impolitic, absurd, and pernicious act, the forcing of Naples into the war at the time she had concluded a treaty of neutrality with France. He, however, saw no reason why we were to have the controul of two forts in the island and not of the third and most important. He thought we should have had an option of putting our garrisons in which ever of them we pleased, or in all.

Mr. Secretary *Canning* stated that we had, and should have, the controul over the third; but that the provision respecting the two was adopted with a view to the number of troops we could furnish. He also observed, that the duties paid by our soldiers on certain articles of provision in Sicily were to be drawn back in the payments to be made under the treaty.

Mr. *Windham* had heard a great deal more importance attached to the third fortress than to those of Messina and Augusta, as being more directly in the line of the place, where an enemy from the opposite coast could soonest reach. He certainly thought, therefore, that the stipulation ought to have been express for our occupying this fortress.

Mr. *Wilberforce* said there was a provision in the treaty that appeared to bind us to restore Naples to the king of Sicily at a peace. He was sorry for this: because, as we wished always to perform our engagements, we ought rather to promise less than more than we could do. This was not, perhaps, the meaning intended; but it might bear that construction.

Mr. Secretary *Canning* stated that there could be no doubt as to the construction of this article, as it was the amendment of that one which had last year been objected to, precisely on the ground mentioned, that it might bind us to more than we could perform. Still if we could restore Naples to the king of Sicily, we should be glad to do it, although we could not enter into any engagement to do it.

Mr. *Bankes* objected to the practice of granting money, as appeared to have been done here, without the matter having been regularly before parliament, which had a right to examine into the grounds of giving away their money, and the manner in which it was expended. He also thought, that a treaty of commerce ought to have accompanied this engagement. The omission of an opportunity to do that, while we were giving away our money, might be felt in the case of Sweden, with respect to which perhaps, we might be involved in great difficulty about our Orders of Council.

Mr. *Huskisson* stated that the account of the disposal of the money had been always laid before parliament, though the thing, he admitted, had not been done in the most regular way.—The Resolution was then agreed to.

[WESTMINSTER IMPROVEMENTS.] Mr. *Long* moved a grant of 75,200*l.* for projecting the improvements in and near both houses of parliament, and for the purchase of grounds in and near Palace-yard with a view to that object.

Mr. *Windham* objected to the mode in which the money was expended, and the bad taste which prevailed in the pretended improvements. He thought it sufficient to grant a part of this large sum at present, and was sorry to say the style of building hitherto pursued was such as to impress an idea of misery instead of grandeur.

Mr. *Long* agreed with the right hon. gent. in condemning the mock Gothic front of the house of lords. The remaining buildings should be submitted to such judgment as would insure a better taste.

Mr. *Rose* said, that he really did not know under whose authority these improvements were conducted; but some of them consisted in lath and plaister, and he should be very happy that they were pulled down.

Mr. *Sheridan* thought no new grant should be made till care should be taken that the new expenditure did not get into the same hands as the former. The present front of the house of lords was something like the appointment of Dr. Duigenan to the privy council, every one was ashamed of it, and nobody would avow himself the author of it. He recommended undoing the improper appointment, as well as pulling down the miserable building.

The *Speaker* joined in condemning the improvements, as they were called, and, by some persons, had been thought, but for which, he declared himself in no way responsible. With respect to what was to be done, the plans were now before the house, so that it only, and not the commissioners, would be responsible, either for adopting or rejecting them.

Mr. *Bankes* was glad that this subject had attracted the notice of the committee, and reprobated the practice of voting the public money, when no one was responsible for its application. He moved that instead of 75,000*l.* only 45,000*l.* should be voted, as amply sufficient to supply all the demands of the present year.

Mr. *Whitbread*, though he had every wish for œconomy, thought the present building so disgraceful that he would vote for a new one. He thought that a committee ought to be appointed to inquire who authorised the raising of the buildings, who audited the accounts, and who issued the orders for their payment.

Mr. *Rose* believed that the works were ordered by the Surveyor General of the Board of Works, and that they might have been paid by an order from the Treasury. But he asserted that every shilling of the money had been accounted for, and that the accounts had been as scrupulously examined, as any public accounts ever had.

Lord *H. Petty* condemned the front of the house of lords, and denied all knowledge of the plan.

The *Speaker* said, a general order had been given to comply with the wish expressed by the house of lords for additional buildings. Nobody knew any thing of the plan till the building exhibited itself in its present form.

Mr. *Huskisson* stated that, in consequence of the difficulties the Board of Treasury found in getting proper accounts from the Board of Works, measures had recently been taken to put the great expence of that Board under proper controul.

Mr. *Fuller* condemned the shameful carelessness, which, from whatever quarter proceeding, was so evident, from the disgraceful state of the exterior of the house of lords. The professed object was to give that house a handsome outside; whereas, to speak plain English, its pilastres appeared nothing better than a set of elongations, to which, under certain circumstances, the members might occasionally retire. The work which had been erected was a paltry building, and he was not surprised the public thought their money thrown away upon it.

The *Chancellor of the Exchequer* preferred the eyesore of the present building to the expence of pulling it down. The authority for purchasing the building was given in 1806, and notice was given to the holders in consequence. On this ground, he thought it right to vote the original sum: which was voted accordingly.

[MR. PALMER'S CLAIM.] Sir *T. Turton*, in the committee of supply, after recapitulating the different proceedings on the Claims of Mr. Palmer, stated that a sum of about 68,000*l.* had been found due to him by the former committee, but that the committee, to whom the account of this balance was last referred, had, on a different caculation, reduced it 14,000*l*; concluded by moving, "That a sum not exceeding 54,702*l.* 0*s.* 7*d.* be granted to his majesty, to be paid to John Palmer, esq. being the balance of the per-centage due to him on the net Revenue of the Post-Office, from the 5th day of April 1793 to the 5th day of January 1808." On this a division took place: For the Resolution 93; Against it 73. Majority 20. The Resolution was accordingly agreed to.

[SPAIN.] The house having resumed, the *Chancellor of the Exchequer* adverted to the motion respecting Spain, of which notice had been given by a right hon. gent. (Mr. Sheridan); but with the purport and scope of which he professed himself not to be acquainted. He could not, therefore, but be anxious to know what was the object of that right hon. gentleman's motion.

Mr. *Sheridan* thought it sufficient to observe, that he had communicated the substance of his intended motion to his right hon. friend, the secretary for foreign affairs, whose absence he had now to regret, because he was certain, that had his rt. hon. friend been present, he would have made no objection to the nature of the motion he had to propose. He had so framed it, that it was impossible the entertaining of it could cause any public detriment, or expose ministers to any violation of that discretion and secrecy which it was their duty to observe in matters of this sort. But if that right hon. gent. was ignorant of the purport of this motion, it was only a new proof of the shyness of communication which he had reason to believe existed between that right hon. gent. and his right hon. friend (Mr. Canning); otherwise he could not account for the disapprobation which the right hon. gent. had now manifested of any motion of the nature he had intended to make, being brought under the consideration of the house.

The *Chancellor of the Exchequer* was not aware of any good that could arise from the agitation of such a subject, and must only suppose, that the object of the right hon. gent., in making such a motion, was merely to draw a speech from one of his majesty's ministers.

Mr. *Whitbread* was anxious to dissuade his right hon. friend from stirring any inquiry into the affairs of Spain at so critical and perilous a moment. In his opinion, every matter of that kind, under the peculiar circumstances of the moment, should be left entirely and exclusively to the discretion of the executive power.

Mr. *Sheridan* was determined to persist in his motion. It could be productive of no evil, and it might give rise to much good. He felt the urgency of the business, and was therefore resolved not to leave it to the slow and skulking hesitation of ministers. As to the apprehensions of his hon. friend, he was confident that he should not only be able to allay those apprehensions, but succeed in convincing his hon. friend of the propriety of the motion which he intended to make.—Mr. Sheridan having thus persisted in his motion, it was fixed for Wednesday.

[Sugar Distillation.] On the motion for the third reading of the Sugar Distillation bill,

Mr. *Western* rose to oppose the third reading of the bill for suspending the grain distillery. He said he could not suffer it to pass that stage, without again declaring the same decided hostility to its principle which he had avowed upon its first introduction. Nothing had been urged that removed any objection to it he had originally felt; so far from it, the more he considered the measure, in every point of view it appeared to him contrary to every principle of sound policy, infinitely mischievous, on account of the establishment of a dangerous precedent of interference with the agriculture of the country, and at the same time wholly uncalled for by any pressure, or even appearance of scarcity present or to be apprehended. If any danger should arise in consequence of the harvest being at all deficient, it might be as well guarded against by an order of council, instead of agitating the public mind by the means which had been pursued. There were two or three circumstances to which he wished to advert, relative to the consumption of grain in the distilleries and the foreign import, and which he thought it material to state to the house, especially so because he believed that the opinion which prevailed relative to the amount of such foreign grain imported, and of grain consumed in the distilleries, was very erroneous. The report of the committee tended to confirm these erroneous opinions by taking only one average of the foreign importation, namely upon the last five years, and also by not taking the last official return of the quantity of grain annually consumed in the distilleries in Ireland, amounting to 890,000 barrels. The importation of foreign corn was stated to amount to 770,000 quarters annually, and which certainly was the case upon the average of those five years; but he begged to call the attention of the house to the importation of the two last years, and which it was more material for us to consider. It would be found that the import of foreign corn in the year 1806 amounted to only 319,000 quarters. In 1807, it was certainly a great deal more, but if the two years were averaged it would not exceed 500,000 quarters each year, inclusive of the import of flour. This view of our situation ought to be exhibited to the public, as it was material in every point of view and much more satisfactory. It was another irresistible proof of the increasing produce of the country and of the means we possessed of providing for our own subsistence. Then in regard to the quantity of corn used in the distilleries, he thought the committee had relied too much upon the lowest calculations, and appeared certainly to have done so in regard to Ireland, where the consumption by the last official return, was nearly double that upon which the report appears to be founded. The committee calculate upon a total consumption for Great Britain and Ireland of 780,000 quarters, of which England is supposed to consume 300,000, Scotland 169,000, Ireland 311,000; but the Irish official account nearly doubles that estimate, and the British probably exceeds it, being founded upon the number of gallons of spirits actually paying duty. The total of grain of all sorts consumed therefore must exceed 1,000,000 quarters, whilst the foreign importation amounts only to 500,000.—This was a very different statement from that which the public were impressed with, and which was made to appear by the report of the committee; it was however perfectly correct, and could not be disputed. It was not immaterial to consider likewise in this view of the case that in the event of this bill passing, and of our not receiving a single quarter of corn from foreign countries, our agriculture would still lose a market for 500,000 quarters. The impolicy of reducing the markets for grain had been already repeatedly urged, and was too obvious and indisputable to admit of any justification: such a reduction of demand would be more felt also by the growers than is imagined. Many people supposed the loss of the distillery markets would not be sensibly perceived. The effect would certainly be perceived, or not, according to the abundance or the deficiency of the approaching harvest; if it was abundant and a good barley year, it would be materially felt. It was well known that we imported no barley, our own produce was equal to our own consumption, and, in a plentiful year, it was in his opinion more. It was but four or five years ago the price of barley was in Norfolk and Suffolk as low as 20*s.* per quarter, and the average of the kingdom 23*s.* or 24*s.* Even the circumstances of the present moment afforded evidence of this opinion, inasmuch as there was a sufficiency to carry us through upon three-fourths of a crop, and a total failure of peas and beans, to supply the places of which in the feeding of hogs, &c. a considerable quantity of barley must have been used. To estimate the effect upon the price of the article by the loss of the distillery markets, these circumstances then must not be forgotten, the effect was not to be considered by the measure of quantity used in the distilleries, it was the withdrawing any demand from a market sufficiently supplied that would so affect the price, and which it was well known would sink it very far indeed beyond the ratio or amount of such demand withdrawn. There was another circumstance also that would operate upon the price, and that was the loss of the competition excited by the appearance of the distiller in the corn market.—Upon the whole, he was satisfied the measure, however limited, would have a very injurious effect upon the agriculture of the country, and would discourage to a great degree the spirit of improvement and of enterprise in the cultivation of the soil. It was possible that the class of farmers who do not look beyond the moment would not be influenced in their conduct till they experienced the effects, but every man of information and reflection who was about to embark a considerable capital in the cultivation of lands hitherto waste and unproductive, or who was about to carry into effect expensive improvements upon lands already in tillage, must inevitably feel the most serious alarm from such an unprecedented and unnecessary interference with the markets for the produce of agriculture. Every merchant and manufacturer knows and dreads the effects of any interruption or restriction of the market for his commodities, be they what they may, and it must be as sensibly or even more sensibly felt by the agriculturist than any other persons. The return of capital employed in the cultivation of lands was slower and the profits less than that employed in any other way, and upon that account as well as others, required a steadier market, and more perfect security to induce the direction of it to that object. These considerations, as well as many others, had convinced him that the proposed measure would be productive of incalculable mischief, and he had heard no arguments stated in the course of its progress through the house that had at all shaken his original opinion; indeed, scarcely any that appeared to bear upon the subject. He should therefore give his most decided negative to the third reading of the bill.

Mr. D. Giddy and lord H. Petty opposed the bill, not from any objection to the affording protection to the West India planters, but on the ground that the principle of the bill was utterly subversive of our agricultural interests.—The question being called for, the house divided, and the numbers were, Ayes 74; Noes 34. Majority for the third reading 40. The bill was then read a third time, passed and ordered to the lords.

HOUSE OF LORDS.

Tuesday, June 14.

[MR. PALMER'S CLAIM.] On the motion of lord Eliot, a message was ordered to be sent to the commons, desiring a copy of the Report of the committee respecting Mr. Palmer's claims; and also a message desiring that leave might be given to the right hon. Charles Long to attend the committee of their lordships on this subject on Thursday.

HOUSE OF COMMONS.

Tuesday, June 14.

[KING'S PROCTOR.] Sir *C. Pole* rose in pursuance of the notice which he had given, to call the attention of the house and the country to the mode of conducting the business of the Navy in the High Court of Admiralty. It was a subject which he had considered of the first importance to his majesty's naval service, and on which he had more than once endeavoured to express his sentiments to the house, and to urge and pray for amendment; but, he was sorry to say, the influence which the right hon. and hon. members connected with that court possessed, had hitherto effectually prevented the alteration required: this was not to deter him from exerting his utmost to correct evils which were notorious, and which must continue to exist whilst the court was conducted as at present.—It was his intention to move two Resolutions, the one purporting that the duties of the King's Proctor or Procurator-general were so numerous, that no one person was equal to discharge them; the other, that an humble address be presented to his majesty, praying that he would appoint three or more persons to be employed as Proctors in the High Court of Admiralty and High Court of Appeal.—It would require little argument to satisfy any impartial mind with the necessity of these Resolutions, without meaning to cast the smallest censure on the character of the individual who held the office of Proctor, or those connected with him. On the contrary, he was ready to give them due credit for exerting themselves to their utmost; but the business of that court was so increased since the establishment of one Proctor was deemed sufficient, that it was impossible it could be executed in a manner to do justice to the individuals in his majesty's navy. Great delay, enormous charges, and injustice, must be the natural and is the actual consequence.—In the course of the last four years, more than 3,000 ships have been libelled by the King's Proctor; on an average each of those ships may be said to produce three distinct causes, which would increase them to 9,000. Be it always remembered by the house, that the whole of what he was now stating, and about to state, is the special duty of the King's Proctor, who is exclusively employed for the whole navy of England in all matters of prize, besides all cases in which the interest of his majesty is agitated; in all appeals to the privy council, as well as in all memorials and reports: the number of appeal cases in the last four years have not been less than 500, all of which are under his immediate direction; on many of them very intricate and difficult questions arise; the papers on the table of the house shew the number of ships libelled in the last four years by the King's Proctor are above 3,000; there are other papers on the table which shew the amount of the Proctor's bills on ships condemned as Droits. If gentlemen will take the trouble to average those bills, they will find them to give an average of 95 *l.* on each case; but taking the average profit on the Proctor's bills at less than a moiety of that sum, the 500 appeal cases, at an average of 100 *l.* will produce a sum which, he was satisfied, the house would deem sufficient for at least three or four King's Proctors: to the cases of ships libelled, and appeals to the privy council, must be added the numerous list of memorials and reports, which make a large portion of the profits of the office. But it was not the enormity of the sum that he so much objected to, it was the impossibility of justice being rendered to the British navy, by the system now persevered in, that induced him to offer his Resolutions; and if he was not so fortunate as to succeed this day, he still flattered himself the period was not afar off, when his majesty's government would see the necessity of revising this court. He was aware he should be told, that vessels captured by men of war did not belong to the captors, but to the crown, therefore his resolution and address were an improper interference with the prerogative. Most sincerely should he regret such an objection to rendering justice to a most valuable portion of his majesty's subjects. The delays and expences of the Admiralty Court, with the numerous evils and abuses which have occurred, were so well known to almost every individual connected with the navy, that he had not troubled the house with a long list of them in detail, meaning to rest the expediency of his motion on what must be obvious to every impartial man in or out of this house; namely, the impossibility of one Proctor executing the duties allotted to him: he had never been able to collect any substantial objection to the appointment by his majesty of three or more learned and discreet Proctors to officiate as King's Proctors in the said courts. With this view of the subject he should take the liberty of moving the Resolution and Address as before recited.

The *Advocate General* felt it necessary to oppose the Resolutions, as injurious to the interests of the nation, and of the navy itself. If the hon. officer felt so strong an impression upon the subject, it was rather matter of surprise that he had not persuaded any one of the various boards of admiralty, which had existed since he had first mentioned this subject, to think with him. And, certainly, there had been amongst those boards, some with which the hon. officer had some influence. It was to the executive or to the board of admiralty that any application should be made, and not by address from this house. The right hon. gent. then entered into a detailed statement, to shew that it was the interest of the navy itself, that the king's proctor should be employed on their behalf. Numberless complaints had within the last four years been made against privateers, and the reason was, that the owner of the privateer was his own *dominus litis*, and at liberty to conduct his business, so that many vexatious proceedings were the consequence. It was desirable that the king's proctor should be independant of the navy agents. As to the statement of the number of causes, that could not be a ground for the motion, unless the hon. officer had shewn that those causes had been neglected. The king's proctor would have as much assistance as he wanted, and if more proctors were to be appointed, the reasons of the case would apply with more force to the king's advocate, who was obliged to discharge all his duties personally. The fact was, however, that the business was regularly and diligently attended to, and as no case had been made out, he was confident the house would not agree with the motion of the hon. officer. The king's proctor, when appointed, had given up all private practice, and, if his present emoluments were to be divided amongst others, how was he to be indemnified? His former clients would not come back to him, and he did not think the hon. officer would be of opinion that the king's proctor should be allowed to act for parties as well as for the captors. After shewing by reference to the original prize act, and to several subsequent public documents, that the employment of the king's proctor for the captors was consonant to ancient practice, he concluded by declaring, that he should give his negative to the motion, as injurious to the interests of the navy, and interfering with the prerogative of the crown.

Mr. *H. Martin* supported the motion. Neither the prerogative of the crown, nor the interests of the nation, would be at all injured by the appointment of more than one proctor, for all the proceedings would be as much under the eye of government as before. The proctor considered himself as totally independant of the captors. It would be much better for the navy that they should be enabled to choose a proctor who would be responsible to themselves. He stated various inconveniences that resulted to the captors from the present mode of proceeding, and said, that the navy felt the utmost anxiety for the success of this motion. If it were adopted, the proceedings would be much more rapid, the captors would be much benefited, and no disadvantage whatever would result to the crown or to the public.

Mr. *Stephens* observed, that the business could not be better managed than it was by the king's proctor and his assistants. He had heard no reason for an alteration in the system. Every reason, on the contrary, was against it. He affirmed that the officers of the navy would be very much injured by having the choice of their own proctors, as appeared from what actually took place from their having the appointment of their own agents. They had at present all the advantage that resulted from the connection between the king's proctor and the king's advocate. A vast expence was often saved to the captors, which they would be put to in prosecuting bad causes, if they chose their own proctors.

Mr. *Bastard* contended, that it was the duty of that house to watch and be jealous of every office. He hoped, as the right hon. gent. had said, if the hon. baronet should carry his motion, that he would extend his motion to the office of that right hon. gent. There were certainly in the commons many persons who were as well qualified as the king's proctor to conduct the business. It had been said, that the interests of the navy itself were better provided for by the present practice; but the contrary was the impression universally felt in the navy, though most unwarrantable measures were employed by the admiralty to stifle their complaints. He knew the fact, because a petition had been put into his hands, complaining of gross abuses, and signed by many of the most respectable persons in the navy, some of whom withdrew their names, in consequence of their having been menaced with the vengeance of the admiralty; and he had refused to present the petition afterwards, lest he should thereby draw down that vengeance upon the parties. Upon these grounds he should support the Resolutions.

Mr. *Farquhar* stated that if a cause extended beyond the period of two years, it must be from the fault of the parties. He bore testimony to the respectability and integrity of the present king's proctor, and expressed his surprise that this proposition should have come from any person connected with the navy.

Mr. *Johnstone* observed, that all the advantages which at present resulted from the king's advocate having the management of the prize causes, would exist, though there should be two or more king's proctors; and that all the arguments about the injurious effect of an unrestricted liberty of choice were altogether inapplicable. Proceedings, he said, had often been retarded, owing to the management being in one person; and justice to the neutrals, as well as to the captors, required that some alterations should take place. He could not see why the inconveniences might not be remedied without sacrificing any of the advantages.

The *Solicitor General* dissented from the motion of the hon. admiral, because, if any inconveniencies were felt from the present mode of conducting business in the admiralty courts, it would not tend to remedy them. He opposed it in the second place, because it was perfectly novel in its nature; thirdly, because it was directly contrary to a former decision of the house, by which it had been rejected when it was formerly proposed: fourthly, because it proceeded upon a principle directly the reverse of that on which all causes were instituted in the court of appeals, namely, that these suits were conducted, not for the benefit of the captor, but for the benefit of the crown. He contended, that the navy were not interested in the fate of the motion, and that no inconvenience had been shewn to result from the business being confined to a single proctor.

Mr. *Whitbread* asserted, that so far from the question being indifferent to the navy, there was a general outcry, he might say, in the navy respecting it. He was willing to concur in all the praises which had been bestowed upon the person at present holding the office of king's proctor. But abuses had taken place before he filled the office, and such abuses might occur again. The hon. and learned gent. might as well argue, that it would be proper and fit for him to conduct every cause in the court of king's bench, as that one proctor should engross the whole business of the court of appeals. Formerly two clerks did the business of the house of commons, and continued to do so till the time of the union, when the increase of business made it necessary to have a third. But the hon. and learned gent. upon his principles, would argue, that because two had been sufficient at one time, they would be sufficient still.

The *Chancellor of the Exchequer* opposed the motion, because it had not been shewn that the delays which took place in the decision of causes in the courts of prize jurisdiction arose from a want of proctors. On the contrary, it would be easy to shew, that the interests of the captors were materially benefited by a vast number of causes passing through the hands of a single person.

Sir *Samuel Romilly* thought that the best time to reform the constitution of a court of justice was when the offices in the court were respectably and unexceptionably filled; because, at such a time, all personal and party motives must necessarily be excluded. He did not pretend to be intimately acquainted with the mode of proceeding in the admiralty courts; but he conceived it to be a very extraordinary principle, and one contrary to that which was recognised in all other courts, that one person, however able and however distinguished either by his talents or integrity, should engross the whole practice of the court.

Mr. *Robert Ward* said, that if it had occurred in times past, that the king's proctor had been employed on both sides of a cause, such regulations were now adopted, as to preclude the possibility of its happening in future.

Mr. *Windham* argued, that if the king was *dominus litis* when there was only one proctor, he would be equally *dominus litis* when there were three proctors, and that therefore there was no objection to the motion of his gallant friend, from its tending to alter the principle upon which causes were conducted in the prize courts. And if it had no injurious tendency in this way, he thought it desirable to adopt a measure which would be highly satisfactory to such a numerous and meritorious class of persons as the officers of the royal navy.

Sir *Charles Pole* made a short reply, in which he stated, that some causes had been pending in the admiralty courts more than ten years, and that a majority had been pending more than seven years. He should think that he was wanting in his duty if he did not take the sense of the house upon the motion which he had the honour to propose.—The house then divided upon the hon. baronet's motion: Ayes 16; Noes 35. Majority 19.

[CURATES' RESIDENCE BILL.] The house having gone into a committee on this bill, a variety of amendments were made thereto: among the most prominent of which was one proposed by the Speaker, who wished to give to the clergy of the archiepiscopal dioceses, the same privilege of appeal as that which would be enjoyed under the act by the clergy of the episcopal dioceses. The clergy of the episcopal dioceses had a right of appeal from the bishop of their dioceses to the archbishop; the Speaker proposed a clause, by which the clergy of the archiepiscopal dioceses should have the right of appeal to the king in council. The Chancellor of the Exchequer proposed to modify this amendment, by making the appeal lie, not to the king in council, but to the king, who should be empowered to appoint Delegates or Commissioners under the Great

Seal from the bishops, for the purpose of reviewing the decisions of the metropolitan courts.—The clause thus modified was agreed to. The other clauses of the bill were then gone through, and some amendments proposed, but no material alteration was made in the provisions of the bill, or any thing of consequence enough to call for a division. The house being resumed, the report was ordered to be received to-morrow.

HOUSE OF COMMONS.

Wednesday, June 15.

[CRIMINAL LAW.] On the motion of sir Samuel Romilly, that the house resolve itself into a committee of the whole house on the Privately Stealing bill,

Mr. *Burton* said, that during the last twenty or thirty years it had been his lot to have some experience in the administration of the Criminal Law; he should therefore be wanting in his duty to the public, as well as respect to his learned friend, if he omitted to pay what attention he could to the present bill; and he was desirous to state a few observations upon it before the Speaker left the chair, because they were connected with the principle of the bill. He confessed he was somewhat at a loss whether to look for the principle in the enacting part, or the preamble, because they seemed to be at variance with each other, or at least not co-extensive. The preamble laid down very general abstract positions, which far exceeded the object of the bill, and went to condemn a very large proportion of our criminal laws. Now, in his opinion (without stopping to discuss the truth of the positions), nothing could be more objectionable than to pronounce by statute such a parliamentary condemnation of a great part of our criminal laws, and yet to leave those very laws in full force. To him, consequently, it appeared indispensable to expunge the preamble altogether, and introduce another suited to the limited object of the bill. The principle, as it was to be collected from the enacting part, was to abolish the capital punishment, and to reduce the offence as well as the punishment, down to the standard of simple larceny. Now so far as it took away the punishment of death, he was inclined to approve it; because sentences of death often pronounced in cases where they were scarcely ever fit to be executed, tended much to diminish their effect: but he could by no means accede to the propriety of leaving the offence punishable with no greater severity than simple larceny. His learned friend was reported to have introduced the bill with pretty severe comments on the statute of Elizabeth intended to be repealed; and any proposition of his was sure to come recommended by so much eloquence as to render it a difficult matter to consider it immediately with an unbiassed mind: yet upon reference to the statute, it would be found to contain a statement of facts verified by an experience of two centuries and a half, and equally applicable to the present time. It states that the offenders then called cut-purses were very numerous, confederated into fraternities of an art or mystery to live idly by secret spoil, even to the impoverishment of many, frequenting for that purpose places of public resort, such as places of divine worship, the court, courts of justice, fairs, markets, and places of execution, and being habited in such a garb as to elude suspicion. To this enumeration of places, the bank of England, and the approach to bankers' shops, might now be added: in every other respect the description suited the present time. He was well informed by magistrates of experience that the number at present exceeded hundreds, some thought to the amount of several; that many underwent a regular training to the art; that they plundered to such an amount, and were so far confederated, that large sums were never wanting for the purpose of procuring the ablest assistance upon their trials, or of buying off prosecutors or witnesses; upon the whole, next to nightly housebreakers, no class of offenders were so pernicious. It was also observable that the circumstances described in this statute had always been deemed aggravations of the offence of simple larceny, and therefore deserving of an aggravated degree of punishment. Such were the number of offenders, and the extent of the depredations, that they were perpetrated with an art which denoted education, by gangs which were dangerous, and in a manner to elude all ordinary care and vigilance. That these practices prevailed to an alarming extent, and would not be repressed without severer punishment than transportation for seven years (the highest punishment for simple larceny), he could unfortunately testify from his own experience in the county palatine of Chester. What had there happened within these few years, he was sure must strike the benevolent mind of his learned friend. During four or five years preceding the spring of 1806, several boys had been there brought to trial; the numbers had been increasing, till seven or eight at one assizes appeared to be confederated in a regular gang, and to have frequented the neighbouring fairs and markets, executing their designs with all the same art and system that was to be found within the metropolis. The court, having before tried milder punishments, proceeded upon this occasion in two instances to transportation for seven years: but so little terror did this punishment inspire, that at the spring assizes in 1806, among forty prisoners, there was the melancholy exhibition of no fewer than 17 boys between the ages of 12 and 16. They came from the manufacturing part of the county, and their offence was generally that of privately stealing, either from the shop or the person. Several were acquitted, either from accidental defects, or for want of prosecution through the tenderness of their prosecutors: but among those who were convicted, some received sentence of death, and the former punishments having proved ineffectual, it was judged necessary to make a severer example by transporting two for seven years, and recommending two of the capital convicts to the royal mercy on transportation for life. This increased severity happily produced a better effect, insomuch, that during the four last assizes, only four boys had appeared in the calendars, and none of them members of any regular confederacy. From all the foregoing circumstances he drew this inference; that simply to repeal the statute of Elizabeth, as the bill proposed, would operate, not to the prevention, but to the encouragement of this species of theft, and that the power of transporting for life was indispensable. There existed, likewise, one difficulty in prosecutions under the statute of Elizabeth, which arose out of the construction which had been put upon the words, 'privily without his knowledge.' This difficulty might, in his opinion, be removed with advantage, by annexing the severer punishment to any larceny from the person, under circumstances not amounting to robbery: because it was an old and just principle in the law, that the person as well as the house ought to be protected with more than common care. For a similar reason it was, in his opinion, unwise to make any distinction as to the value of the thing stolen; no such distinction being made either in the case of robbery from the person, or in that of burglary; more especially likewise as it often happened, even where a large property was stolen from the person, that the money if found having, in the language of the law, no ear mark, could rarely be proved; whilst the purse, or the pocket-book containing it, though of trifling value, could easily be identified. For these reasons he strongly recommended, that instead of death, should be substituted transportation for life, or any shorter time not less than 7 years, or a long or short imprisonment with or without hard labour, at the discretion of the court, as the case might require. If therefore his learned friend was disposed to allow that the bill should be thus modified in the committee, he was inclined to think that it might prove an amendment of the law.

Mr. *Herbert* (of Kerry) likewise objected to the preamble of the bill. Human laws, he said, were made for preventing, not for avenging crimes, and hence it often happened that punishments seemed to be disproportioned to the crimes. There were two different kinds of criminal legislation, according to archdeacon Paley: the one was that which assigned capital punishments only to the highest species of crimes; the other, that which had been adopted in this country, assigned capital punishments to a variety of crimes, but inflicted it upon only a few persons of each class by way of example. He had no hesitation in confessing that he agreed in opinion with the excellent author to whom he had alluded, but he should not be so averse to the bill itself were it not for the declaration in the preamble. He hoped, however, that at all events it would be postponed till another session.

Sir *Arthur Piggott* agreed that the criminal law of the land ought not rashly to be altered. But he contended that the law had not answered the great purpose of preventing crimes, and that its failure ought to be ascribed to its severity, which in many instances prevented persons from prosecuting those guilty of smaller offences. How far it might be proper to modify the severity of the punishment, was another question not now before the house, and which would furnish matter of discussion in the committee.

The *Solicitor General* thought that there was at least so much good in the bill as to sanction the going into a committee upon it, for the purpose of seeing whether it was possible to find a remedy for an evil of very great magnitude, or not. He did not mean, however, to pledge himself finally to give it his support, because he was not sure whether it would be possible for the committee to remove his objections to it.

Mr. *C. W. Wynne* confessed that the house ought not rashly to alter the criminal law of the country. The law, however, which it was now proposed to change, had never been executed in the recollection of any person now living. The consequence of this was, that its effect was lessened, because the probability of escape was great. He was of opinion, that it might be expedient to leave a discretionary power to the judges, of transporting for life persons guilty of the offences to which the bill applied; indeed, he thought, that transportation for life was generally preferable to transportation for a limited time; because when the culprits returned, being wholly without character or protection, they were in most cases compelled to revert to their former habits.

Mr. *Ponsonby* agreed with those who were of opinion, that the house ought to go into a committee on the bill; because there was nothing in the bill which ought not to be the great object of all criminal law, namely, suiting the punishment to the crime.

Mr. *Leycester* contended, that the law could never provide satisfactorily for the great variety of cases, in which it would be to be decided by circumstances, whether the offence should or should not be punished with severity. It was only by the discretion of the judge that cases of this kind could be properly regulated, and therefore he disapproved of the principle of the bill.

Sir *Ralph Milbanke* thought that the less discretion was left in the administration of criminal justice, the better; and agreed with a learned author, who had said, that it was better to have law without equity, than equity without law. He should certainly vote for going into a committee on the bill.

Sir *Samuel Romilly* did hope that this bill would pass in the present session. He thought the preamble of the bill ought to be retained. It contained the reasons on which he brought in the bill, and on which he hoped it would pass. But if gentlemen thought differently from him, he would give up the preamble, and be content to substitute the common preamble, 'Whereas it is expedient.' The present extreme rigour of the law shocked the humanity of prosecutors, of juries, of judges, and led them to compromise the law and the offence, rather than go to the extent of inflicting capital punishment where it was severe beyond all proportion to the crime. This frequent impunity encouraged offenders to repeat their crimes, and if, after a multitude of escapes, they at length suffered, they attributed the misfortune to accident or want of dexterity, rather than to justice and the vigour and vigilance of the law. He cited Mr. Justice Blackstone to prove, that this lenity of judges and juries, from the necessity of doing something to counteract the extreme rigour of the law, encouraged offenders to go on. The legislature, in suffering the excessive penalties that required this evasion to remain, was an accomplice in the encouragement given to criminality. It was lamentable that when any person proposed to render the law more mild, the jealousy of so many persons was excited; and that, when it was proposed to add to its severity, no complaint was made. A bill had recently passed adding nine new capital felonies to the former catalogue. To this bill nobody objected, though, he would maintain, that an increase of severity was as great an innovation as a repeal of severity to the same extent. He also adverted to the Indictment Bill lately passed, as an innovation of much greater magnitude than the present bill. He adverted to the committee appointed twenty years ago, of which Mr. Fox was a member, to inquire what criminal punishments ought to be repealed. They reported six statutes. The bill of repeal passed this house, but was lost in the lords by the prorogation of parliament, though the first authorities in that house agreed to repeal five of the six acts reported. He allowed that a remedy was found in explaining the value of money under the statute of Elizabeth, according to the relative value of goods at that time and at present. But this remedy was not of a satisfactory kind. It was merely discretionary, and the exercise of that discretion was not always regulated by the best reasons. He knew a case, and it was well known, in which a judge of very respectable character directed the jury to find a stolen key of the full capital value, because it appeared to be stolen with a view to commit a theft. From all these reasons, he hoped the house would not only go into the committee, but ultimately pass the bill.—The house then went into the committee.

The *Solicitor-General* stated his reasons for proposing certain new clauses. He should suggest certain alterations, both in the description of the offence, and in the punishment to be inflicted. It was a crime of considerable magnitude, and was, no doubt, daily increasing. He could state, however, what appeared to him to be the real cause of criminals having been so often acquitted of the charge of privately stealing. If, upon a trial, it turned out that an individual lost his purse or watch, and had, in the moment, perceived the act committed, that circumstance freed the criminal from the capital part of the punishment. If, on the contrary, the individual robbed perceived the commission of the fact, it being generally committed by gangs of persons, who transferred the property from one to another, still that individual could not fix upon the very person whose hand took the property, and consequently the whole of the criminals were acquitted of the capital part of the charge. This, he thought, accounted much more naturally for the frequent instances of impunity which had occurred. The offence was that of feloniously taking property from the person of another. Grand larceny occurred where property was either taken from the person, or feloniously from a house, and it would therefore be aggravating the offence. He should propose to omit, in the description of the offence, stating whether it was privately or not, in order to contra-distinguish it from robbery, which was the taking of property with violence; although he thought it was an offence bordering upon it; as he believed, there were persons much disposed to use force upon such occasions should they meet with any resistance. He therefore thought, it was a felony that ought to be punished with more severity than mere simple larceny, and he should propose, that a punishment somewhat more adequate than that stated in the bill should be substituted; leaving it at the same time in some degree to the discretion of the Judge, according to the circumstances of the case. His object was to get a punishment somewhat above that of mere larceny, and at the same time below that of a capital offence. He should propose that the highest punishment should be transportation for life, and that the lowest punishment should be transportation for a period not less than 7 years. At the same time, it might be proper for the Judge to have it in his power to make a substitution for transportation, namely, imprisonment in the house of correction, for a period not exceeding three years. The learned gent. then concluded with proposing amendments to the effect he had stated.

Mr. *Windham* opposed the principle of making transportation the *minimum* of punishment for such offences as had been described. There might very justly exist doubts as to the degree of criminality existing on the part of the offender, and certainly there should be no unnecessary restriction laid on, with respect to the equalization of the punishment to the crime itself. He recited an instance of the extreme severity of the law, in sentencing a poor young woman to transportation, for having, in a sort of jest, stolen one of her companion's bonnets, and who, after a considerable time passed in captivity, made her escape with some other daring exiles, to the port of Timur, in China, in an open boat, after a passage of several thousand miles, through a most stormy sea, and unparalleled suffering.

Mr. *Horner* considered reform necessary for the purpose of bringing the law, as it now stood, to the original principles of its institution. He quoted a passage from Judge Blackstone before alluded to, stating that sir H. Spelman had, above a century before, lamented, that although all things had, since the original foundation of our law, on this head, in the time of the Saxon monarchy, extraordinarily increased in price, yet the life of man was daily growing cheaper, by permitting it to be forfeited for the peculation of the same sum for which it had been forfeited in the reign of the Saxons. It should therefore be the business of the present times to reduce the law to its ancient state; and if the same punishments were continued, to equalize them to the crime, or in other words, to the value of the goods thus stolen. He felt it his duty to oppose the clause as too novel; in fact, it was much more so than the bill itself; though the proposition came from an hon. member who was the more averse to the bill from the consideration of its tendency to innovation. Besides, the clause had come into the house under the most inauspicious circumstances, whilst the bill was in a committee, and without any notice. These circumstances could not escape the attention of the house, nor fail to excite some degree of jealousy on the subject.

Mr. *Burton* contended that transportation for limited periods failed often of producing that salutary effect on the morals of the convicts which it was expected this mode of punishment would have had. If the punishment were only resorted to in such instances as would justify its continuance for life; it would be cutting off all hope of return to the old scene of their criminality, and probably correct those vicious propensities they had formerly indulged in. He concurred most heartily in remitting, in several instances, the punishment of death, for other less punishments. Though he was decidedly in favour of the system of giving a latitude to the discretionary power of the Judge, in proportioning the severity of the punishment to the nature of the crime.

Mr. *Abercromby* considered it a defect in the law of England, not to extend transportation to the natural period of the criminal's existence. He reprobated the idea of increasing the discretionary power of the judge. The law, he thought, should be clear, discriminatory, and decisive, and the less was left to the arbitrary will of the judge, the better. It had been said, that as there were many shades of difference, it would be better the judge should have a proportionate option: admitting even this position, still it would not follow, that transportation for life would not be a national as well as an individual advantage. Whatever might be the nature of the confinement, or punishment, as it was termed, of transportation, it was certain, a temporary banishment was productive of no good effects to the morals of the convicts. Was it, then, proper to send so many young persons and children out to that colony for a short space, who, in the course of nature, might be expected to return pregnant with all the accumulated contagion of those more experienced offenders, who had grown old in habitual vice and infamy? From his present view of the importance of this subject, he assured the house he would early in the next session move, that a Committee be appointed to take into consideration what advantages had followed the introduction of the present system.

Mr. *Wharton,* the chairman, thought the most regular way of introducing the present clause to the consideration of the house, would be by first reporting progress, and then moving in the house, that an instruction be given to the committee to introduce the present clause, after which it might at leisure be discussed in the committee.

Sir *Samuel Romilly* observed, that he had not justly incurred the censure so liberally bestowed on him, of indulging in wild theories. The imputation he thought unjust, and undeserved: his intentions were to restore, not to shake, the foundation of the common law. The clause he censured as altogether objectionable. The duration of the punishment for seven years was sufficient to answer all the purposes expected. He wished, if possible, the clause should be received, in order that it might be fully discussed, when the house was in possession of both the act itself and the clause in point.

Sir *Charles Bunbury* thought very few of those transported for seven years ever were able to come back at the expiration of their sentence: this, so far from being a national benefit, was a national reflection on our justice.—The bill was then recommitted, and the clause added to it; and the house having resumed, the report was received, and ordered to be taken into further consideration on Wednesday.

[AFFAIRS OF SPAIN.] Mr. *Sheridan* rose, and spoke as follows:—" Mr. Speaker; however I may regret that the proposition which I had the honour of giving notice that it was my intention to bring forward this evening, has been postponed until this late hour, and that the attention of the house must be considerably exhausted by the discussion which has just terminated, yet, sir, I still think it right to submit to their consideration, the important subject which was the object of that notice. I cannot conceal that a kind of negociation has been carrying on between my right hon. friend opposite (Mr. Canning) and myself, in the course of which, my right hon. friend expressed his wish that I would put off my motion for this evening, because the distinguished persons who have lately come over to England to represent to the British government the state and disposition of their native country, are at this very moment partaking of the hospitalities of his mansion. Sir, I allow that this was a strong reason on the part of my right hon. friend for desiring a postponement of this business; for I believe, with all my right hon. friend's public spirit and enthusiasm, that he has no very great inclination to lose a good dinner. But as my right hon. friend has detached a very able general (sir Arthur Wellesley) to represent him at his house, I feel less reluctant at thus intruding on his patience, and shall therefore proceed, only expressing my hope, that that gallant officer may soon be detached on a more serious service; that he may soon be sent into Spain to represent in that country the enthusiasm of England in her cause. In the first place, sir, I wish to correct an idea which has gone abroad, that I entertained the folly, the presumption, the ill-judgment, and the bad taste of wishing to teach his majesty's ministers how to conduct themselves in the existing circumstances. All I desire, sir, is to win the attention of the house to the present situation of Spain. Having communicated the tenor of my motion on a former evening to my right hon. friend opposite, and my intention not having been disapproved by my right hon. friend, I own I was surprised to find that his right hon. and learned colleague imagined that my motion would tend to embarrass his majesty's government. After the communication to which I have alluded, I expected that he would give me credit for having no such object in view. On the other hand, I experienced something like rebuke from my hon. friend near me (Mr. Whitbread), who seemed to think that I was going to bring forward a motion which was to save administration from all responsibility on the subject. Now really, sir, this was a most unfortunate outset on my part. I meant to do neither the one thing nor the other. And here I must say, that although no man living more highly respects the political probity and ability of my hon. friend, as well as the estimable qualities of his private character, yet when he gets up to rebuke me for doing that which appears to me to be my duty, I am free to confess, while I applaud his judgment—his understanding—the deliberation with which he decides on questions of importance—that if there be any one point in his character on which I should not be disposed to dwell with the greatest satisfaction, it would be his deference to the opinions of others, or his doubt with respect to his own. I am placed, sir, in this dilemma; that while my hon. friend accuses me of a disposition to cover administration, the right hon. and learned chancellor of the exchequer suspects me of an intention to do it all the mischief in my power. Sir, I may be wrong; I am far from wishing ministers to embark in any rash and romantic enterprise in favour of Spain; but, sir, if the enthusiasm and animation, which now exists in a part of Spain, should spread over the whole of that country, I am convinced that since the first burst of the French revolution, there never existed so happy an opportunity for Great Britain to strike a bold stroke for the rescue of the world. But, sir, it is said, 'if you do not distrust the administration, why discuss this subject in parliament!' Sir, I will tell you why. I am disposed to trust administration. But I wish to demand two things: I wish first to declare, that, in my opinion, we must not deal in dribblets; we must do much or nothing. Why do I make this declaration? Because no cabinet which has hitherto existed in this country—not even excepting that with which I had the honour of being connected—has pursued simply and plainly one clear and distinct object. Instead of striking at the core of the evil, the administrations of this country have hitherto contented themselves with nibbling at the rind. In this censure, I must not include an hon. friend near me, nor Mr. Burke. They would have proceeded directly and completely to the object which they had in view, or they would not have advanced to it a step. But with these exceptions, the ministers of England have pursued a petty policy; they have gone about filching sugar islands, and neglecting all that was dignified and all that was consonant to the truly understood interests of their country. I wish therefore, sir, to let Spain know, that the conduct which we have pursued we will not persevere in, but that we are resolved fairly and fully to stand up for the salvation of Europe. The next demand I have to make, sir, is, that if a co-operation with Spain be expedient, it should be an effectual co-operation. I repeat, that I am far from prompting his majesty's government to engage in any rash romantic enterprise; but, if upon ascertaining the state of the popular mind in Spain, they find it is warmed by a patriotic and enthusiastic ardour, then, sir, all I ask is, that that feeling should be met here with corresponding energy and enthusiasm. Bonaparte has hitherto run a most victorious race. Hitherto he has had to contend against princes without dignity, and ministers without wisdom. He has fought against countries in which the people have been indifferent as to his success; he has yet to learn what it is to fight against a country in which the people are animated with one spirit to resist him. So far, sir, from bringing forward a motion prematurely to embarrass his majesty's government, I solemnly declare, that, if the opportunity to which I have alluded of a vigorous interference on the part of England should arise, the present administration shall have from me as cordial and as sincere a support as if the man whom I most loved were restored to life and power. Is this a vain discussion? Let those who think so look at the present state of Europe. Will not the animation of the Spanish mind be excited by the knowledge that their cause is espoused, not by ministers alone, but by the parliament and the people of England? If there be a disposition in Spain to resent the insults and injuries, too enormous to be described by language, which they have endured from the tyrant of the earth, will not that disposition be roused to the most sublime exertion, by the assurance that their efforts will be cordially aided by a great and powerful nation? Sir, I think this a most important crisis. Never was any thing so brave, so generous, so noble, as the conduct of the Asturians. They have magnanimously avowed their hostility to France, they have declared war against Bonaparte; they have no retreat; they are resolved to conquer, or to perish in the grave of the honour and the independence of their country. It is that the British government may advance to their assistance with a firmer step, and with a bolder mien, that I have been anxious to afford this opportunity to the British parliament, of expressing the feelings which they entertain on the occasion. I move, sir, "That an humble Address be presented to his majesty, that he will be graciously pleased to direct that there be laid before this house, copies of such Proclamations as have been received by his majesty's Secretary of State for Foreign Affairs, and which have been issued since the arrival of the French army at Madrid; whether by the Spanish Government, the French Commander in Chief, or by persons since claiming to act on behalf of the Spanish nation."

Mr. Secretary *Canning* replied nearly as follows:—Mr. Speaker, I am disposed to give every credit to my right hon. friend for his motives in agitating this subject, and I can assure him, that he is very much mistaken if he imagines that it was intended to check or rebuke him, by any thing that was said on a recent evening from this side of the house. At that time although I was in possession of my right hon. friend's communication, my right hon. friend near me was not so. Sir, I could very easily shew my right hon. friend that it is impossible to produce the papers for which he has moved; some, because they have not reached his majesty's government in an authenticated form; others, because they are not accurately described in the motion; and all, because if we were in possession of the information which they contain, it would be highly improvident in us at the present moment, to communicate that information to the world. While I state this, however, sir, I hope my right hon. friend will not misunderstand me so much as to suppose that I impute to him any blame for this proceeding, or that I undervalue the pledge which he has given us of his support in any plan of active operations which it may be deemed advisable to adopt with respect to Spain; the more especially when it is considered that in that pledge may be implied the support of those persons with whom my right hon. friend is accustomed to act in parliament, and of whose body he is so eminent and distinguished a member. Sir, I should have been far from charging my right hon. friend with blame, even had he gone so far as to chalk out to his majesty's ministers the line of conduct that in his opinion it would be expedient for them to pursue. From this he has abstained. Indisposed as I should have been to censure my right hon. friend, had he proceeded to that extent, I cannot but feel that his speech, moderate as it has been, calls for such a general disclosure of the sentiments of his majesty's ministers as may be made without hazard, without a dishonourable compromise, and without exciting expectations which may never be realised. It is therefore, sir, I declare to the house and to the country, that his majesty's ministers see with as deep and lively an interest as my right hon. friend, the noble struggle which a part of the Spanish nation is now making to resist the unexampled atrocity of France, and to preserve the independence of their country; and that there exists the strongest disposition on the part of the British government to afford every practicable aid in a contest so magnanimous. In endeavouring to afford this aid, sir, it will never occur to us to consider that a state of war exists betwen Spain and Great Britain. We shall proceed upon the principle, that any nation of Europe that starts up with a determination to oppose a power which, whether professing insidious peace or declaring open war, is the common enemy of all nations, whatever may be the existing political relations of that nation with Great Britain, becomes instantly our essential ally. In that event his majesty's ministers will have three objects in view. The first, to direct the united efforts of the two countries against the common foe; the second, to direct those efforts in a way which shall be most beneficial to the new ally; the third, to direct them in a manner conducive to peculiarly British interests. But, sir, of those objects, the last will be out of the question as compared with the other two. These are the sentiments with which his majesty's government are inspired. To the measures which these sentiments may dictate, they confidently look for the support of parliament and of the country. It cannot, sir, be expected that I should say whether we think the crisis arrived, or whether we anticipate its speedy approach, when the sentiments which I have described must be called into action. It is sufficient that I have stated what we feel, and what we intend. For the reasons, sir, which I have before mentioned, I am compelled to dissent from my right hon. friend's motion.

Mr. *Ponsonby* perfectly agreed with the right hon. gent. in the objections he had made to the motion of his right hon. friend, and early foresaw those objections. He thought there was much of the information sought for that they could not grant; and of the little they had, perhaps none that it would be prudent to communicate. In such circumstances, neither he, nor any man as ignorant upon the subject as he acknowledged himself to be, could attempt to advise his majesty's ministers what course to pursue, when their course was ultimately to be regulated by that information of which they were exclusively possessed. He therefore could not divine the object of the motion of his right hon. friend. He denied, for himself, that it would operate upon him as a pledge of his future opinions upon the conduct of his majesty's ministers in this important crisis; as, until he had witnessed it, he could not possibly judge of it.

Mr. *Whitbread*, as his right hon. friend had devoted the greater part of the exordium of his speech upon him, hoped he should be allowed to say a very few words. In the first place, his right hon. friend had mistaken him, when he had represented him as anxious to load ministers with all the responsibility of acting in the present instance, and not willing to share in that responsibility. He had not expressed any such sentiment: but though his right hon. friend had done so much justice to his private probity, he had accused him of pertinacity. He should certainly, in the present instance, so far adhere to this pertinacity, that, as he had uniformly arraigned the measures of the present administration since they came into office, as he had uniformly distrusted and doubted them, he should not now begin to give them gratuitously his confidence upon a great and most important crisis. At the same time, he was positively against giving the information required. He had been often reproved as a man too prompt in calling for information: in the present case, he knew how to draw the line. It was, however, a topic of national feeling; and he was well aware, when his right hon. friend, like another Timotheus, seized the golden lyre, what an enthusiasm he would excite: but he doubted very much if such enthusiasm might not be productive of more harm than good, if prematurely called forth before the brave Spaniards were furnished with means of resisting their formidable foe. When he heard so much said, in the usual tone, of Buonaparte, calling him the merciless despot, severe tyrant, plunderer, common enemy of mankind, he wished from his heart that England could come into the cause with clean hands. He commented upon the third object of this country, in case of a co-operation with Spain, and wished it had been altogether omitted; it was the narrow policy of subjecting the interests of the great cause in which they were engaged to the minor concerns of British objects, British views, and British interests exclusively.

Mr. Secretary *Canning* rose to explain a misconception which the hon. gent. seemed to feel, as to what he had stated respecting the objects to be prosecuted in the contest. He had mentioned British objects on that occasion, for the purpose only of disclaiming them as any part of the considerations which influenced his majesty's government. In this contest in which Spain was embarked, no interest could be so purely British as Spanish success; no conquest so advantageous for G. Britain, as conquering from France the complete integrity of the dominions of Spain in every quarter of the world.

Mr. *Whitbread* was glad that he had

given the right hon. gent. the opportunity of making this explanation.

Mr. *Windham,* though there were many important topics belonging to this question, and arising out of the discussion as far as it had hitherto gone, did not mean to offer any observation upon them. He had then risen only to touch upon one or two particulars, which were more personal than any general reference to the general situation of the country; the one that it might not be misunderstood, and the other to rectify a mistake that might prevail respecting it. And here he must observe the gloomy prospect held up at the onset by the bad specimens of candour, openness, and ingenuousness, with which the right hon. gent. had endeavoured to construe the sentiments expressed by his right hon. friend, as pledging the whole of those who acted with him to a general support of the measures of administration. [A cry of No, from the treasury bench.] If not to their other measures, to those at least which might be connected with the object which his right hon. friend had in view. He had felt it necessary on his part to disclaim being included in any such pledge, and he hoped this construction of the right hon. gent. was not a specimen of the openness which the house was to expect in the progress of this transaction. The points upon which he wished to touch were, first, the advice which had been given by his right hon. friend to ministers, either to do a great deal, or to do nothing in this case. If his right hon. friend meant by doing a great deal, to send a large force to the assistance of Spain, he feared that we should not be able to do that. But it was not thence to be concluded that nothing was to be done. Though we could not assist them in the highest degree, it did not follow that we might not do what would be extremely serviceable to them. The part of his right hon. friend's sentiments in which he completely concurred, was that in which he recommended not to adopt the conduct that had been pursued in former wars since the commencement of the French revolution. It was his decided opinion, that we should not mix little British interests with this important question. He was happy to agree with his right hon. friend on this point; though he could not concur with him as to the alternative, or admit his conclusion, that if a great deal could not be done, nothing was to be done. The other point upon which he wished to touch, related to the general censure which his right hon. friend had passed upon the conduct of all late administrations. He was ready to admit that this censure was just in general, but he denied that it would apply to the last administration, of which he had the honour of being a member. He defied any gentleman to prove one instance in which it would apply. If they could not show any such instance, they should receive his statement with more temper. He did not claim any praise for that administration, because it had not an opportunity of incurring the censure. He was anxious to urge as strongly as his right hon. friend the propriety of encouraging hopes for the restoration of Europe, in that way alone in which they were likely to be realised. He had often been reproached for enthusiasm on this subject; but he trusted he should not be readily reproached again, inasmuch as his impressions, though late, had been adopted. It seemed now to be admitted, that the only way of overturning revolutionary despotism, was by aiding the internal means of a country with external co-operation. Now, there was nothing external but England; it was Buonaparte and France every where beside, and those who would not take to the pinnace or the long-boat in the late storm, were now glad to catch at any broken oar, or fragment of a plank. When Europe was unsubdued; when Austria was entire; when Prussia was a formidable military power; when Italy was not yet parcelled out; and Spain itself was whole; the internal state of la Vendée held out the fairest hope of arresting the progress of the revolution. What then had been neglected, was now looked up to with sanguine expectation; and the only hope now was, that this insurrection in Spain, might prove a la Vendée. Here he should recur to the expectation, or rather deprecation of his right hon. friend, that we should mix no little interests in the contest, but conduct it on the principles stated by the right hon. gent. in his second speech. We should remember how great an arrear we had to settle, how much Spain had to forget in consequence of the outrage which she sustained in the capture of her frigates. Were they prepared to restore them, and prove to Spain the disinterestedness with which we were to embark in her cause? As to the advantage or disadvantage of bringing this motion forward at this time, he owned he did not agree with the sentiments of his right hon. friend. He thought that a demonstration of the disposition to promote the cause of Spain made to that house, to the country, and to the Spanish nation, might be productive of advantage. But though he felt this impression, it was still to be apprehended, that such a demonstration might have the effect of influencing the Spanish nation to its ruin. He had no objection however, to the expression of a disposition on the part of the country, to support all rational measures that might be necessary to aid the efforts of the Spanish people.

Lord *Castlereagh* observed, that enough had been said as to the discussion of the motion, in what had fallen from the right hon. gent. who brought it forward, and from his right hon. friend who followed him; yet certain topics had been touched upon by other gentlemen in the course of the debate, which rendered it impossible for him to pass them over without observation. Undoubtedly, a difference of opinion might exist as to the propriety of bringing forward the motion; but of this he was convinced, that in the view which the right hon. gent. had taken of the subject, no mischief could possibly arise from the discussion. He did not press any proposition upon his majesty's ministers which required any improper disclosure. It had been brought forward by a right hon. gent., who, on all occasions of difficulty, in every crisis of the country, waving all political hostility, had uniformly come forward in support of the country. The hon. gentlemen opposite were, unquestionably, not pledged by the sentiments expressed by that right hon. gent. to a general support of government. It was not an irrational pledge of that description to which his right hon. friend had adverted, and, if the gentlemen on the other side were not disposed to concur in the feelings and sentiments of that right hon. gent., if they felt not a disposition to assist the Spanish nation on this opening for resistance to the tyranny of France, they certainly were at liberty to pursue what cause they might deem most expedient. But on this, as on every former occasion, they seemed in language to have disowned the right hon. gent. who had from such laudable motives brought forward this question. The house and the country would not fail to contrast the tone of that right hon. gent.'s speech with the chilling language of the hon. gentlemen on the bench with him.—He had to regret the course of the observations pursued by the right hon. gent. who spoke last in the latter part of his speech, in bringing forward some topics between the two nations, at a time when the co-operation of both was necessary for the salvation of the world. It was not a course which any true patriotism would recommend at such a time, to remind that nation that England was the power to oppress it by the plunder of its frigates, and this, too, when the object of the right hon. gent. was to disclaim any pledge to support the contest. Then, again, the right hon. gent. had adverted to all the topics of the last fifteen years, and certainly it was not with a good grace that such condemnation came from that right hon. gent., who had been so long during that period in office. But no gentleman was more ready to condemn any principle, which he might have once entertained; and it appeared that he was always in opposition to all the governments of which he had been a member, though he generally remained in office to the last. Surely, when the right hon. gent. stated, that no British objects were to be prosecuted in this contest, he could not mean to contend that objects of British interest, which might not be connected with Spanish objects, should not be attended to; at any rate, it was not for that right hon. gent. to maintain such a doctrine; he who had sent out a force to Alexandria, who had diverted a considerable part of the forces of the empire to Buenos Ayres, and who had even dispatched an expedition to the other side of South America, for the purpose of supporting the cause of Europe by an attack upon the back of Spanish America. It was rather strange that the right hon. gent. should be so fond of returning to the charge of ship-stealing, when he had himself sent a fleet to Constantinople, not to support the Russians, but to bring away the Turkish fleet, whilst the troops which were necessary for the success of the expedition had been sent, not to Constantinople, but Alexandria. That right hon. gent., too, had dispatched another expedition to Lisbon, the only force he had employed in Europe, and for the purpose of bringing away the Portuguese fleet. He could assure the right hon. gent., that the present administration in the conduct they should adopt, would not follow his practical example, but act upon the result of their best and soundest judgment in adopting such measures as might, under all the circumstances of the case, be most conducive to the great and important object which they had in view. As to what had been said respecting the extent of the assistance to be afforded, he was aware of the justice of what had fallen from the right hon. gent. who had brought forward the motion, and if the occasion should arise, he could assure that right hon. gent., the country was in a situation to afford effectual assistance. When he considered the contrast between the patriotic sentiments of that right hon. gent. and the language of those around him, who were disposed to throw worse than cold water upon the hopes of the retrieval of Europe, he was sorry to see him sit amongst them, but he was confident that the country would do justice to that right hon. gentleman.

Earl *Temple* regretted that the discussion had taken place, and was sorry for the manner in which the question had been discussed. However important the lesson of his noble friend as to recrimination, and the consistency of remaining in a government with which he differed, he must regret that the people of Spain, who looked to this country for support, should find that this question had been made a ground of recrimination by gentlemen on both sides of the house. He hoped that the principle stated by his right hon. friend, of considering any power that should be at war with France as in alliance with us, would not be acted upon to the full extent. He thought that they should not be considered as our allies any longer than whilst they would fight with us to obtain a secure and honourable peace.

Mr. Secretary *Canning* again explained. He had been misunderstood by his noble friend, if he had supposed him to have stated the principle to that extent. He had intended expressly to say, that we should consider all powers embarked in hostility with France as our allies, engaged in a common object for the attainment of a safe and honourable peace, and not for purposes of perpetual war.

Earl *Temple* was glad he had given his right hon. friend an opportunity of making this satisfactory explanation.

Mr. *Sheridan* did not feel it necessary to reply. His object was to awaken the country to the opportunity which, if the information from Spain was true, might lead to the rescue of Europe, and to the release of oppressed countries from the grasp of a ruthless conqueror. He had, however, no objection to withdraw his motion, convinced that much benefit must accrue even from the present discussion.—The motion was then withdrawn.

[Vote of Credit.] On the motion of the Chancellor of the Exchequer, the house resolved itself into a committee of supply. The right hon. gent. stated to the committee, that the Vote of Credit, of which he had given notice, was 2,500,000*l.*; but as 300,000*l.* the amount of the Sicilian subsidy, which was to be defrayed out of that vote, had since been granted to his majesty by parliament, he proposed to vote only 2,200,000*l.* The following sums were then voted: Vote of Credit for Great Britain 2,200,000*l*: Vote of Credit for Ireland 500,000*l*: Board of First Fruits in Ireland 10,000*l*: Charge of Treasury in Ireland 6,000*l*: Protestant Dissenting Ministers 9,159*l.* 4*s.*

[Foreign Property in the Funds.] The order of the day being read for the house to resolve itself into a committee of ways and means,

Mr. *Bankes* moved, "That the account of the amount of all exemptions granted to foreigners, in respect of the duty on dividends in the various funds of Great Britain, and on the dividends of the East India and South Sea Companies, under the property tax, in the year ending 5th April 1807, be referred to the said committee."

Mr. *Magens* opposed the measure in contemplation, as contrary to our established policy. He was persuaded that if the property of foreigners was to be subjected to this tax, it would prove extremely injurious to the prosperity and wealth of this country.

Mr. *Sharp* was sorry that the subject had been mentioned at all. The sum was extremely small, but the sacrifice of principle would be great. No advantage could be derived from such a measure as this, that would be at all equal to the injury which it would produce.

Sir *T. Turton* said that the income tax was in its operation altogether unjust and oppressive; but there was no part of it more unjust than this exemption. It was fair, reasonable and proper, that foreigners who had property in the funds should equally with the subjects of this country pay for the security of that property.

Mr. *W. Smith* did not think the measure unjust; but at the same time, he thought that it was impolitic to press it at present.

Lord *H. Petty* observed that the tax in question was not a property tax, but one on the profits derived from property. It would have been impossible to have got at the profits of foreigners, till the arrangement with the bank for detaining the tax upon the dividends. But it was not the intention of that arrangement to include foreign property. He maintained that we had no right to meddle with it; and if we had, it would not be expedient.

Mr. *Bankes* denied that there could be any injustice in this measure, as the state had certainly an eminent dominion over the property, and the utmost that foreigners could expect was, to be placed on the same footing with the natives of this country. He asserted that the exemption originated, and had been continued, in prejudice and delusion. Foreigners placed their money in our funds for their own advantage, from the superior security and profit which they afforded. There was no reason why they should not pay for this. They were generally aliens; and though this country owed them justice, they were entitled to no favour from it.

Mr. *Windham* thought, that good policy was in favour of the exemption, as the advantage we derived from foreign property, as it stood at present, was greater than any we could have from the tax imposed on all that would then remain.

The *Chancellor of the Exchequer* said, that he had attended much to this subject, and felt much embarrassment how to give his vote. If he voted against the motion at present, he confessed that he should do so from a deference to character, and to what had been done before, contrary to the inclination of his own opinion. He took a review of the arguments on this subject, and observed that he did not see any reason in point of justice that would exempt foreigners more than the people of this country. But there were considerations of policy that appeared to him to render it inexpedient to alter the system at the present moment, though he did not conceive that the imposition of the tax would withdraw any material portion of this property from our funds. But the principal reason that induced him to oppose the measure at the moment, was, that it might produce a very bad effect, by persuading our enemy, that his measures against us had in some degree succeeded.

Mr. *Hibbert* said, that from the tenor of the debate, he conjectured that the subject would not be brought forward very soon again for discussion; and he was anxious, by more than a silent vote on this occasion, to express his decided opposition to the measure proposed, and more especially after the hesitating negative given to it by the right hon. gent. who had just sat down, and whose speech was not calculated to add confidence to foreigners who either had embarked or might embark their capital on the credit of this country. There was a plain and familiar distinction which had not been noticed, but which yet applied, in his opinion, both to the justice and policy of the case. The foreigner who resided here, or who purchased land in this country, became, in common with all British subjects, a partner in the general risks of the state; but the foreigner who resided abroad and sent his capital hither was a mere money lender, and could not be considered as a partner. The former we could justly subject to his proportion of the cost of the common security; but we could not, with equal propriety, say to the latter, "We have had a bad year, our affairs are not prosperous, and we must, therefore, deduct a part of the interest which we contracted to pay upon the money you lent to us." We might say, indeed, if it should suit us to say so, "your money is a burthen to us; we do not want it, you have forced it upon us against our inclinations; take it away, or we will reduce or withhold the customary interest;" but we could not in justice, without any such notice, surprize the foreign money lender by a tax. The same distinction applied to the policy of the case; those embarked in the same risk with us had not the power, even if they had the wish, to wishdraw themselves, and we were sure of their co-operation by the durable tie of a common interest. It might happen that, in order to preserve our independence against the great oppressor of Europe, we might find it necessary to sacrifice not merely a tenth, but a quarter or even a moiety of our income in the form of a property tax; and while the expediency of levying such a tax generally and impartially upon all that were in the same concern with us was indisputable, it was surely questionable how far we should attempt to extend it to those who could withdraw their aid at pleasure, and whose confidence, however occasionally useful to us, was not likely to be increased by the unprosperous situation of our affairs. He was unwilling, at so late an hour, to enter into the consideration of the expediency and utility of inviting and retaining foreign capital in this country. It was a question which should be considered relatively to our character as a commercial country, and not merely as it would affect us under a temporary flux of capital finding its way into the funds, the consequence of a casual and lamentable interruption of our foreign commerce. The great advantages which, under ordinary circumstances, were to be derived from a capital thus obtained in the support of our funds and the encouragement of the various departments of our national industry were, in his mind, too obvious and considerable to be treated with indifference. He gave, therefore, to the proposition of the hon. gent. in this first and preparatory stage of it, an opposition, not grounded on a regard to times and circumstances, but most decisive and unqualified.—The motion was then put, and negatived.

HOUSE OF LORDS.

Thursday, June 16.

[BANK OF IRELAND.] Lord *Grenville* adverted to the bill then before the house for renewing the Charter of the Bank of Ireland, and expressed his surprise that the former charter of the bank had not been laid before the house. He would, however, shortly proceed to state the grounds of his intended motion. At the time of granting the charter of the bank of Ireland, in 1783, the penal laws against the catholics, that horrid code which all men now joined in condemning, had been happily repealed. There remained, however, disqualifications which prevented catholics from holding any office either in the state or in corporations. In the year 1793 the greater part of these disqualifications were repealed, and with the exception of a few offices, they were allowed to hold generally, offices in the state, and also in lay corporations. They were allowed to be colonels of regiments, governors of fortresses, and to rise to eminent stations in all the professions. The question here was, whether, in allowing them to hold any of these important offices, it was intended to exclude them from the office of governor or director of the bank of Ireland. There was a contrariety of opinion amongst men eminent in the law upon this subject, and thus a considerable doubt had arisen. By the act of 1793, Roman-catholics were allowed to hold the offices mentioned, notwithstanding any statute or bye-law; the word charter was not mentioned, and from this omission it was argued by some eminent men, that catholics being excluded from the direction of the bank under the original charter, were not eligible under the operation of the act of 1793, in consequence of the word charter not being mentioned in that act. Other men of eminence in the law were of the contrary opinion, that the intention of the legislature to admit catholics was evident, and that they were eligible under that act, the omission of the word 'charter,' being of no consequence. This doubt was not remedied in the bill before the house, it being there left as it was. That house had the superior advantage of calling for the opinion of the Judges, and he thought this was a case in which that opinion ought to be called for. A doubt existed as to the law: and what was the proper course to take to solve that doubt, but to put a question to his majesty's Judges? This was so plain and obvious, that he was at a loss to anticipate any argument that could be urged against it. If it was said, it was of no importance, a question must surely be considered of importance which related to the privileges of four millions of his majesty's subjects. If it was said, there was no doubt, the doubt was acknowledged in the bill now before the house; and it was, in his opinion, of great importance that it should be set at rest, particularly when it was considered that this bill was to continue for 31 years. His lordship concluded by moving to refer a question to the Judges for their opinion as to the point, whether under the operation of the act of 1793, combined with other acts, and the Bank Charter act, Roman-catholics were eligible to hold and exercise the office of governor or director of the bank of Ireland.

Lord *Hawkesbury* thought such a mode of proceeding as that advised by the noble baron wholly unprecedented, or at least highly inconsistent with the usual practice of the house. The bill before their lordships was strictly and directly a financial measure, and on such measures were it necessary to take the opinion of the Judges, the public business would be at a stand, or be protracted to an insufferable length of time. The point which the noble baron's motion involved was only an incidental one, and left the law as it now stood. He was therefore at a loss to conceive with what practical good effect his acceding to the noble baron's motion could be attended. It was open to a catholic, should the proprietors of the bank think proper to select him, to bring his case into a court of law, or to take the opinion of the Irish judges upon it in the exchequer court; or if their decision did not satisfy him, to bring his case before that house by writ of error. Then would be the moment to discuss and decide the point of law, and not on the present occasion. Otherwise it would be prejudging the question, now to take the opinion of the Judges upon it. Besides, were the Judges to say the catholics were eligible, would the house immediately proceed to alter the law? Was that the object which the motion of the noble baron had ultimately in view? If so, he did not imagine the house was prepared to go that length. For his part, he had often stated what were his sentiments with regard to the claims of the catholics, and he would now again repeat them. His opinion and determination was, to make his stand at the act of union; to maintain the laws as they stood at that period; to abide by the concessions that had been made up to that period; but not to accede to any other that had since been called for. Concession, in his opinion, had gone as far as was compatible with the security of the constitution in church and state; and nothing should bring him to endanger that security, by yielding to the further claims of the catholics.

The Duke of *Norfolk* contended that the noble secretary was doing that which he himself was reprobating in others; for he was prejudging the question, by the tone he assumed in ultimately deciding on the claims of the catholics. If the Judges decided that the catholics were eligible, he would move that the law be altered on the subject, if his noble friend who made the motion should not think proper to do so.

The Earl of *Lauderdale* thought it most extraordinary that the noble secretary of state should wish to keep the house in ignorance, as to what was the law. It was said of catholic priests, that they wished to keep their flocks in ignorance, and prevent them even from reading holy writ; and it might almost be supposed that the noble lord, in wishing to keep the house in ignorance, really cherished and acted upon the same principles. Those noble lords, however, who saw the greater danger in offices being held by catholics, must surely concur in endeavouring to ascertain the law upon this subject, as, if catholics were eligible to the direction of the Bank, the greatest danger to the state must in the opinion of those noble lords ensue. Instead of the plain and obvious way of ascertaining the law proposed by his noble friend, the noble secretary of state had recommended a law-suit; first, there was to be all the heat and animosity attendant upon a contested election, where catholic and protestant were directly opposed to each other; then a suit in a court of law; then an appeal to the exchequer chamber; and lastly, an appeal to that house, when the opinion of the Judges might be had: and thus there was to be a tedious litigation, for the purpose of arriving at the very point now proposed by his noble friend.

The *Lord Chancellor* could not agree to ask the opinion of the Judges unless it was proposed to legislate upon that opinion. It was, besides, a matter of great doubt with him, whether, supposing such a question to be put, the Judges would not tell their lordships that they did not know what was meant by a Roman-catholic; they knew that persons were excluded from certain offices who did not take certain oaths, and it should not be disguised from the public, that this, after all, was the real question in all the discussions on the Catholic question; namely, whether persons who did not take certain oaths should be disqualified from holding certain offices? With respect to this subject he thought it right to declare his opinion, that it would be an event deeply calamitous if the protestant ascendancy were weakened. He held the opinion which had been held by Russel, Somers, lord Hardwicke, and other eminent men; that the support of the protestant church was intimately connected with the maintenance of our civil and religious liberties. He would not say, that under no circumstances ought further concessions to be made to the catholics; but he could not foresee the circumstances in which such concessions would be politic. It should never be forgotten, in considering this subject, that the guards which were necessary to maintain our religious liberties were not the less necessary for the support of our civil liberties. He could see no ground for putting this question to the Judges, unless it was first ascertained that some legislative proceeding was to be founded upon it, nor had he heard of any doubt upon the subject of the interpretation of the act.

Lord *Holland* expressed his surprise that the noble and learned lord had declared opinions now which he did not do when the general question was under discussion, and when they could have been fairly met. He thought it most extraordinary with respect to this question, that where the law was not understood, it should be argued that they ought not to adopt means for the purpose of understanding it. This obscurity, which was now to be thrown into the science of legislation, reminded him of the metaphysics of Kant, and the poetry of Klopstock; of the former it was said, by one of his ardent admirers, that he wrote most sublimely, that he had written what no man ever understood, and what he himself did not understand. Klopstock wrote, when young, a poem entitled Creation, in which were some sublime passages, and some rather obscure; two students at Leipsic, meeting with one of these obscure passages, which they could not understand, at length agreed to ask Klopstock himself for an explanation; they met him at Hamburgh, and asked the question: his reply was, 'I dare say what I wrote was very good, and very sublime; I dare say I meant something, but I confess I cannot now tell what I did mean.' A similar obscurity was, it seemed, to be thrown over the point which it was now sought to explain.

Lord *Harrowby* opposed putting a question to the Judges, on the ground that no practical good could be derived from it.

Earl *Spencer* thought that in this instance there was clearly a doubt, and that the only way of getting rid of it was to have the opinion of the Judges.

Lord *Mulgrave* saw no ground for putting the question, unless the house should previously determine to found on it some legislative proceeding.

The Earl of *Rosslyn* thought it essentially desirable, that where doubts existed as to the construction of laws about to be continued, those doubts should be removed. No person could argue against the removal of the doubts existing in the case before their lordships, but those who thought it matter of perfect indifference whether catholics should or should not be directors of the bank of Ireland. To those who were adverse to the admission of catholics to the direction, and to those who were friendly to that admission, the removal of the doubts, confirmed by the very proviso of the present bill, for preserving to the catholics the full enjoyment of the rights granted in 1793, by the act of the Irish parliament, was matter of the greatest importance.

Lord *Grenville*, in reply, observed, that notwithstanding the ingenuity of the noble lords who had opposed the proposition, they had failed in their reasoning. The arguments against it had, indeed, amounted to all that could have been expected against so clear and obvious a proposition; namely, nothing at all. He was now to learn, for the first time, that they were first to decide what should be law, and then to ask the Judges what was the law; they were first to enact, and then to ask for explanation. The noble and learned lord had said, that he had never heard of any doubt upon the subject; this was most extraordinary; they had heard in the course of the week of a want of communication amongst his majesty's ministers, and here it appeared, that a clause had been expressly inserted in the bill in consequence of this doubt, which stated the doubt, and the introduction of which had been assented to by one of the colleagues of the noble and learned lord, and yet the noble and learned lord had never heard of any doubt upon the subject! It seemed, however, that instead of now ascertaining what the law was, the parties interested in that explanation were to have a beautiful law-suit and a delicious doubt; they were to go into a court of law, and then they were to appeal to that house, where there were already upwards of one hundred appeals undecided, and then to wait till this question could be decided, when it might now be explained without any litigation! The noble and learned lord had talked of disguising the question respecting the catholics; it was perfectly well known that the catholics were excluded because they would not take certain oaths; but in this case, it was the catholics alone who were excluded, and the exclusion did not apply to any other persons. His lordship said, that the noble lord had contended, that the case might be decided in due course of law, and that the Judges might give their opinion upon that case when brought before the house, and if it should be thought adviseable at a future period to open the direction of the bank to catholics it might be done. With respect to the former part of the argument, it went to encourage litigation of the most troublesome and vexatious nature; and considering the mass of appeals now before the house, when could this case be decided? With respect to the latter part of the argument he, for one, was of opinion, that when this act should have once passed, no remedy could be applied to the evil in the course of thirty years, for which the charter was granted. On all these grounds, he was decidedly of opinion that a question ought to be proposed to the Judges respecting the law of the case.

The house then divided upon lord Grenville's motion:

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HOUSE OF COMMONS.

Thursday, June 16.

[Finance Committee.] Mr. *Whitbread* rose for the purpose of putting a question to an hon. gent. in his eye, the answer to which appeared to him necessary for the satisfaction of the public. As the session was drawing to a close, it was desirable to ascertain, whether or not the house and the country were to expect a report from the committee, at the head of which that hon. gent. so worthily presided. Rumours were afloat, that a Report of a very important nature had been decided upon in the committee. He was sure that the hon. gent. would not take it ill to be thus questioned on the subject.

Mr. *Bankes*, while he allowed that the question put by the hon. gent. was a perfectly fair one, declared that really he hardly knew how to answer it. He could only say, that for his own part, nothing had been wanting to enable the committee to lay before the house their report. During the present session almost every hour which was not occupied by his duty in the house had been devoted to his duty above stairs. So far back as before the Easter recess, he had laid before the committee the materials of a report which was complete as far as it related to himself to make it so. Unfortunately, a considerable difference of opinion existed in the committee on the subject of that report, and the discussions upon it had proceeded to a much greater length than could have been expected or foreseen. Those discussions still continued. He could only repeat, that nothing should be wanting on his part to bring them to a speedy termination; that in his opinion the report might be laid on the table of the house to-morrow; and that he should very much lament that the circumstances which he had mentioned should operate to delay the presentation of it beyond the present session.

Mr. *Whitbread* thanked the hon. gent. for his candid explanation, and disclaimed the slightest intention to impute any blame to a gentleman, who, by the anxiety which he uniformly manifested for the public service, was entitled to the complete confidence of the house and of the country.—Mr. Whitbread was proceeding to express the regret which he felt at learning the probability that no report from the Finance Committee would be presented during the present session, when he was called to order by the Speaker, who observed, that there was no question before the house.

[Commutation of Tythes in Ireland.] Mr. *M. Fitzgerald*, (knight of Kerry) in what he was about to say, disclaimed all idea of any wish to embarrass government. In at all touching on this subject, he was anxious chiefly for two things; first, that ministers should not suppose, from the paucity of petitions, that the question was not one of very general interest in Ireland, or which they were on that account entitled to undervalue; secondly, he was anxious to prevent the people of Ireland from feeling any thing like distrust in those who were to bring forward these petitions. He felt himself bound to refute the calumnies which had been propagated, alleging that the disturbances in his county had been occasioned by the meeting to consider of the petition in question. It might be sufficient, in answer to this calumny, to state, that these disturbances had existed for years before, and that, after the meeting to consider of the Commutation of Tythes, they had abated rather than increased. The same he could also state as to other petitions. Another stigma attempted to be fixed on the favourers of this measure was, that an improper advantage was sought to be got for the land owners, at the expence of the church. For his part, he disclaimed every idea of the kind. He wished that the church and clergy should have their rights preserved entire; but that the present mode of levying the tythes should be commuted for one more equal and less burthensome. This was no catholic question; it did not partake of a religious feeling; it was supported by the county of Armagh, than which no county in Ireland was more, or rather so completely, protestant. It was a measure wished for by all classes, and even by the protestant clergy. He did not pretend to say that the petitions were so numerous as to entitle him to allege that it was at the moment a measure of necessity; therefore he should not urge referring the petition to a committee at present. He left it with ministers, assuring them that the commutation of tythes was necessary, and that no time was to be lost, after the commencement of the next session of parliament, in bringing it forward. He then moved, that the petition from the county of Kerry be referred to a committee of the whole house.

The *Chancellor of the Exchequer* availed himself of the opportunity afforded him by the right hon. gent.'s motion, distinctly to state that it was the intention of his majesty's government seriously to consider this business, of the importance of which they were completely convinced. He had already paid considerable attention to it himself, but he regretted to observe, that the further he went into the examination, the more arduous did the task appear, and that the undertaking of applying a remedy to the evil, appeared to be beset with difficulties almost insurmountable. He repeated, however, that every effort should be made to remove them.

Mr. *Parnell* expressed his satisfaction at the sentiments which the house had just heard from the right hon. gentleman.

Mr. *Ponsonby* considered this to be a question of importance to the well-being of Ireland. Any new mode of levying the tithes did, indeed, present numberless obstacles: he hoped, however, they were not insurmountable, but such as might be overcome to the satisfaction of all parties by time and patience. He reposed all confidence in government that every means would be adopted to accomplish this object.

General *Mathew* stated, that he held in his hand a Petition on the subject from the county of Tipperary, but that after what had fallen from the right hon. gent. he should refrain from presenting it.

Sir *G. Hill* was anxious to know whether or not his majesty's government intended to take into their consideration the commutation of tithes in England as well as in Ireland. He deprecated any interference on this point in the one country which did not extend to the other.

Mr. *Herbert* recommended, in strong terms, the measure of a commutation, which he was convinced would not be attended with any insuperable difficulty, and which he was satisfied would be as acceptable to the clergy as to the laity. He knew several instances in which clergymen had declared to him that they would be willing to abate a sixth of their clerical revenue, if it could be collected with more facility, and in a manner less repugnant to their feelings.

Mr. *Burton* was by no means of opinion that this was an easy subject. In that part of England, where for many years he had been engaged in the discharge of his professional duties, the adjustment of tithes had ever been attended with more complication and difficulty than any other matter which had fallen under his notice; and he had just been told by an hon. friend near him, that in the county of Devon a very vigorous attempt which had been made to arrange the commutation of tithes had been abandoned, on the experience of the impossibility of success.

Mr. *Sheridan* trusted that the people of Ireland would not relax in their petitions to parliament on this subject, fully convinced as he was that whatever might be said by his majesty's government, it was to parliament alone that eventually they must look for redress. He completely differed from the hon. and learned gent. who had just spoken, with respect to the nature of the difficulties by which this subject was surrounded. In his opinion they were difficulties which a little attention might obviate. In cases of inclosure they were obviated at present, and he could not conceive why the principles which applied to inclosures might not be generally diffused over the whole system of the country. While he was on his legs he would say a few words on a subject in which he was more personally concerned. At the close of the last session of parliament, in consequence of the passing of two bills, which as they were now legislative acts, he would not characterise in the terms of abhorrence which justly belonged to them, he had given a solemn notice of his intention early in the present session of parliament, to move for a committee to examine the general state of Ireland. On the meeting of parliament, however, he had been induced by the recommendation of those to whose advice he must ever listen with deference on all subjects, and more especially on every thing which related to Ireland, to postpone his motion until after the discussion of the Catholic Petition; a discussion, the good effects of which on the general feeling of the house and of the country, were very plainly discernible. Since that discussion he had been induced still further to delay his motion by various motives, of which the approaching consideration of the subject immediately before the house, was one of the most weighty; and as that had been postponed until so late a period, he should abandon all intention of bringing forward his motion during the present session.

Mr. *Ponsonby* thanked his right hon. friend for his condescension; stating that he had made the application, from an unwillingness again so suddenly to agitate a question which, so far from tranquillizing the people of Ireland, must have had a contrary effect.

Mr. Rose, Mr. Bastard, sir W. Elford, and Mr. Lockhart, each said a few words; after which, Mr. Fitzgerald obtained leave to withdraw his motion.

[Expiring Laws Bill.] The Chancellor of the Exchequer moved the order of the day for the house going into a committee on the bill for remedying inconveniences resulting from the expiration of certain laws.

Mr. *Sheridan* objected to the Speaker's leaving the chair. Why did not ministers prevent those inconveniences which they now called upon parliament to remedy? It was in their power to have prevented the evil, and why had they not done so? They knew what laws were about to expire, and why had they not provided in due time? It appeared to be a bill which might be well entitled, 'A bill for the better encouraging the laziness, indolence and neglect of his majesty's ministers.' It was too uniformly assumed that the bill would pass. The act which was to be continued might have expired before the bill for reviving it had passed, and thus the offence proscribed against cease to be criminal, or on the other hand, what was infinitely more serious, that which had ceased to be criminal, might, by a sort of latent revival, become suddenly penal, and thus a man might inadvertently be guilty of a crime, and hanged in a parenthesis. He thought the bill replete with absurdities, and no consideration would incline him to yield to the motion for the Speaker's leaving the chair, unless it was that of having the advantage of his high authority and parliamentary experience in the committee.

The *Chancellor of the Exchequer* contended, that this measure was not a violation of the usages of parliament for centuries; because the session of parliament, according to parliamentary usage, was considered but as one day. It was only a few years ago that an act was passed to provide that acts of parliament were to have effect from the day of passing; whereas, antecedently, all acts had reference to the first day of the session in which they were passed. The right hon. gent. seemed to think that it was the duty of ministers to attend to the acts that were likely to expire, but did not seem to be aware that a committee was appointed at the commencement of every session to inquire what bills were likely to expire, and if any neglect took place, it was the act of the house. But in the view taken by the right hon. gent. he did not seem to be aware that this bill was not to have effect by imposing penalties, confiscations, or forfeitures; it was only to continue authorities to maintain jurisdictions, until the enactment of the continuing bill. Therefore the execution in the parenthesis alluded to by the right hon. gent. could not take place under this bill. It would do much good, and could do no injury.

Mr. *Ponsonby* thanked the right hon. gent. for having attended to the suggestion made by him respecting the inexpediency of continuing penalties by this bill, when he had first mentioned the subject. The objections of his right hon. friend would have been unanswerable against the original bill, if it had not been for the proviso introduced by the right hon. gent. for excepting penalties. But, certainly, the introduction of that proviso removed a great part of these objections; and, with this proviso, he thought that the bill might be productive of benefit in certain cases. —The house then went into a committee.

Mr. *Sheridan* renewed his objections to the principle, and thought it was an admission of the indolence of his majesty's ministers.—The bill then passed through the committee.

HOUSE OF LORDS.

Friday, June 17.

[Droits of Admiralty.] The Earl of *Suffolk* rose to make his promised motion relative to the Droits of Admiralty. He observed, that he was not in the habit of troubling their lordships in regard to any subject which he might think proper to present to their attention. Previous to the present, he had taken several opportunities of making inquiries relative to the appropriation of the Droits of Admiralty, the amount of which now in the hands of the crown was certainly greater than it had been at any former period. It was highly important, that the people of this country should know what was likely to become of the property now vested in the crown, and accruing from the seizure of the Danish property. Count Stahremberg, before his departure, had said, that unless the Danish property was restored, he had authority from his court to say that no peace on the part of Europe could possibly take place with this country. No reflection could be more melancholy than the event of this transaction; it had disgraced the English character in the eyes of the continent; and when he recollected the conduct of Great Britain, in respect to the seizure of the Spanish frigates, it impressed upon his mind how much more beneficial it might have been for the success of our warfare with France, and our situation in respect to the Spanish fleet at Cadiz, if our behaviour at that time had been more honourable. Before that period, the name of an Englishman was a passport through every province of that kingdom, but afterwards our character sunk, and became almost despised. Indeed, if the crown, without any inquiry on the part of the public, was permitted to devote this money, particularly such an enormous sum, to its own purposes, he conceived it possible for an administration to commence and protract a war for the object of plunder which might be gained from the enemy in this way. On this ground the public anxiety was justly raised, and they had a right to consider this question of the greatest importance. In the present reign we might have nothing to apprehend, but still it was extraordinary, that no answer had been returned to the frequent inquiries made respecting the appropriation of this money. During the reign of that unprincipled monarch, Charles II. whose being pensioned by the French king, justly entitled him to be called an unprincipled monarch, such sums of money might have been disposed of in the most unconstitutional manner. The American war produced to the crown a vast accession of this property, but he believed only a certain portion was applied to its own use. Perhaps the answer returned by the noble secretary opposite would be, that the amount of the property taken from the Danes was not yet ascertained, but he thought the amount must have been known, by its having been estimated at a million and a half. However, the public anxiety had been a sufficient ground for his troubling the house upon this occasion, and therefore he should move, "That certain papers, relative to the amount of the property taken from the Danes, should be laid upon the table."

Lord *Hawkesbury* observed, that whatever information the noble earl might have received about the amount, it could only proceed from speculation, no returns having yet been made, as the sales of the property had not been effected. But whenever the returns could be made, and they came regularly before the house, he would then give his opinion on the subject.

Lord *Holland* thought the question of the greatest importance; the more peculiarly so, since the practice had prevailed for these forty years past, of seizing upon foreign property before the declaration of hostilities. The Droits of Admiralty had increased to an enormous extent; and yet, in arranging the Civil List revenue, no regard had been paid to them, and we had been called upon no less than five times within not a great space of time to pay off the debts contracted on the civil list, besides augmenting considerably that revenue. The question, therefore, was one well worthy of their lordships' attention; and although he would advise his noble friend to withdraw his motion for the present, yet he hoped he would persevere in bringing it again forward in a future session.

The Earl of *Suffolk* said, that after what he had heard from the noble secretary of state and his noble friend, he had no objection to withdraw his motion, but pledged himself to bring it forward again.

[Local Militia Bill.] Lord *Hawkesbury*, on the motion for their lordships' going into a committee on the Local Militia bill, rose and stated, that the principle of this bill went not only to provide for the present exigency, but was intended as a great permanent measure of national defence. In a new system of this kind, it was not expected that it should be devoid of imperfections; but he thought the general policy of the measure could not be denied. It must be confessed, that the present situation of the world was such as demanded all our exertions to place this country in a state of defence which should bid defiance to every attempt that could be made against her. The volunteer system was not one which he should object to as far as it went, but it was a system which could not altogether be depended on, when practically viewed, because its efficacy rested entirely upon the spirit which might prevail at the time, and which might dwindle and evaporate. This consideration, therefore, was anticipated by the present bill, as it would go to provide a remedy for such an occurrence; besides, this force, he thought, would be more efficient than even the volunteers. He begged also to inform their lordships, that the present volunteer force was fixed at 370,000, of which upwards of 277,000 were efficient by the returns. When, therefore, the amount of the other forces of the nation was considered, together with the means to be resorted to by the present bill, the country might look with proud confidence to measures which would thus secure its permanent safety. It had been suggested that an armed peasantry would have been better to have recourse to in case of an invasion; but he thought, that however formidable they might be in a mountainous country, they were not so well adapted for our island as a local militia, which was now to be grafted on the volunteers, and intended not only to supply their place, in case of any deficiency arising from them, but was to be a measure to be persevered in whether the country should be at war or in peace, and was so calculated as to be carried into effect without injury to the civil employments of those to whose lot it might fall to give their services.

The Earl of *Selkirk* did not rise to oppose going into the committee upon this bill, for he sincerely concurred with the noble secretary of state in the sentiments he had expressed with regard to the principle of the measure. He agreed that the measure should be made as conformable as possible with the civil occupations of the subject: he agreed that, however zealous and active the volunteer force might be, and for which he gave it ample credit, yet it was not wholly to be depended upon; he regretted, however, that the measure was not of greater extent, and more adapted to general principles. After taking an extensive view of the different local forces of the country, the noble earl proceeded to recommend, according to his own system, that instead of ballot, an enrolment of all the young men of the country, from the age of 18 to 25, should take place; that there should neither be substitution nor purchase, but that it should equally affect every class of his majesty's subjects. He concluded with declaring his intention to move some amendments in the committee.

The Earl of *Buckinghamshire* approved most cordially of the measure as grafted on the volunteers, which measure was well suited, in his opinion, to the defence of the country. His lordship then said, that he did not wish to use hard words towards any foreign power, but he could not help remarking, that the atrocities of Buonaparte were great, and that he was sedulously to be watched. For although his armies might be driven out of Spain by the energy of the Spaniards, and by their enthusiasm in defence of their liberties, yet it was not necessarily to follow, that France would cease to be dangerous to this country. But if he was successful in crushing the present ebullitions of the Spaniards, and obtained possession of both Spain and Portugal, he would be truly dangerous to this country; as he could with more facility from those countries attack us on the side of Ireland. He hoped, therefore, that ministers would seriously weigh these circumstances, and be prepared for the event, and could not refrain from expressing his anxious wish that something should be done, by which they could obtain the militia of Ireland for the defence of this part of the united kingdom, by giving Ireland an equivalent defence in return.

The Earl of *Moira* had observed with regret, that the volunteers had been undervalued, and that they were said to be badly disciplined; but in that part of the island where he had particular opportunities of knowing what the volunteers were, he was so convinced of their efficiency, that he would cheerfully head them against any force that could be opposed to them by invasion. It was true that they could not be expected to be so well disciplined, or so good, as veteran troops that had been frequently in the field, but there was no comparison to be made between them, and those intended to be raised by the present bill, as he considered the former infinitely superior in every respect. A rumour had prevailed that although the volunteers in Scotland might be good, yet those in the southern part of the island were not so well disciplined; but suppose, for the sake of argument, that it was so, although he did not know it to be true, did it follow that they could not be rendered as efficient if proper measures were to be pursued? He had no doubt that it would be so, but unfortunately no steps were taken to keep up the patriotic spirit among the volunteers; on the contrary, they had been, for some reason or other, cried down.

Lord *Hawkesbury* explained, that he did not mean to cast the least reflection upon the volunteers.

Lord *Holland* was not averse to the principle of the bill, as far as it proposed a substitution for the volunteers, which he did not approve of as a means of defence; and although the noble secretary of state would not allow that he meant it as a substitution for the volunteers, yet the plan as he stated it, as well as the nature of the bill, went to produce that effect. But although he approved of the principle, yet the manner of carrying it on did not meet his approbation; for he could have wished it had been assimilated more nearly to the ancient militia, or that his right hon. friend's Training act had been carried forward, which, although liable to some objections, might have been rendered far more beneficial and advantageous to the country. Enrolment was far preferable to compulsory means, such as were to be resorted to by the bill; as it was not to be expected, that the men procured by the latter, would act with such energy against an invading enemy, when under the consideration that they were impelled to serve. The noble lord said, he approved of the observations that had fallen from a noble earl on the cross bench, relative to Spain and Ireland; for although a gleam of hope held out the idea that the glorious struggle of the Spaniards would ultimately prove successful as to them, yet it did not follow of consequence that France would not still be formidable; and if she still should remain so, it behoved ministers to conciliate the Irish, without which, all their schemes of defence in this country were illusory.

Viscount *Sidmouth* supported the measure, but did not think with his noble friend (lord Selkirk), that an armed peasantry constituted the best force against an enemy; at the same time that he approved of the general principle, he thought that all adults from eighteen to twenty-one should serve without distinction, without exemption or purchase, and this would inspire them with a military ardour and spirit: this he thought would place the country out of the reach of any hostile attack. His lordship wished to see the militia of Ireland so incorporated with the militia of England, that both should become the actual militia of the united kingdom; he would take the power of granting commissions from the lords lieutenant, and vest it in the king, like the regular army, and army of reserve.

The *Marquis of Buckingham* supported the bill in general, but objected to that clause which subjected the Local Militia to the mutiny act. He stated his intention of proposing in the committee, an amendment to that clause, by which it should be provided, that no sentence of a court martial for inflicting corporal punishment should be carried into effect, until submitted to his majesty, or to the commander in chief.

Lord *Mulgrave* defended the bill from the attack of the noble baron, who had spoke last but two. With respect to the clause to which the noble baron had ascribed such a selfish character, he observed that it merely went to prevent insurances, which had ever been found most mischievous to the individuals who engaged in them. As to what the noble marquis had stated on the operation of the mutiny bill, it must be evident to the house that it was indispensable to preserve a due subordination: if the ranks of the Local Militia were filled from the lowest classes of society, such a check would be absolutely necessary; if they consisted in a great measure of individuals of a superior description, their conduct would be such as to render any exercise of the provisions of the bill superfluous.

The *Lord Chancellor* adverted to what had been said on the subject of insurance, and requested noble lords to inquire what had taken place in their own families in these cases. They would find that frequently those of their servants who had not insured were ballotted, while those who had insured, escaped. From this circumstance it might fairly be inferred, that the insurers had some influence in the arrangement of the business.—The house then resolved itself into a committee. The different clauses of the bill underwent a discussion. Eventually they were all agreed to, and the house having resumed, the report was ordered to be received on Monday.

HOUSE OF COMMONS.

Friday, June 17.

[COPY-RIGHT BILL.] Mr. Villiers moved the second reading of the Copy-right bill.

Mr. *Abercromby* thought that time should be allowed for the due consideration of a subject, in which the interests of the most meritorious, although, perhaps, not the most opulent, class of the community, were so seriously concerned.

Mr. *Villiers* saw no reason for further delay, as sufficient time would yet be afforded for every reasonable purpose.—After a few words from Mr. C. Wynne, the bill was read a second time, and ordered to be committed on Wednesday.

[NAVAL ASYLUM.] The order of the day being read for the house to resolve itself into a Committee of Supply, the Chancellor of the Exchequer moved, That the several estimates on the table be referred to the said committee; and, amongst others, that for an additional grant towards carrying on the building of the Naval Asylum at Greenwich.

Sir *C. Pole* opposed the grant; for which, he said, the trustees ought not to have applied to parliament while they had in their hands a sum of 50,000*l.* towards carrying on the purposes of that institution, no account of the application of which was laid before the house, nor the interest of that sum, which ought also to be applied to the purposes of the establishment. He said, that a great waste of the public money already granted had been committed, in paying a large salary and allowances to an useless and unnecessary officer; namely, the Auditor; and expended in building for him a house, with extensive gardens and offices. There was no such officer in the Military Asylum, and he thought this a wasteful profusion of public money; and towards a clergyman, too, who possessed two valuable livings in Ireland, upon which it was his duty to reside, and which, in the spirit of the act lately passed in that house, he ought to be obliged to do. He objected also to the employment of a surgeon with a large salary, house, and offices, who never had been in the navy; because he thought, that all officers of a naval institution ought to be naval men, and that this institution, by employing men wholly unconnected with the navy, was rather a discouragement to the navy than otherwise.

Mr. *Rose* expressed his astonishment that the hon. baronet could expect that a sum of 50,000*l.* which was the donation of private persons, and given expressly on the condition of providing for such children of seamen as they should recommend, was to be applied in the first instance for the quite different purpose of carrying on the building now adopted by his majesty, and sanctioned by parliament. He was ready to give the hon. admiral credit for the friendship he had always professed towards the navy; but was utterly at a loss to reconcile that profession with the hon. admiral's opposition to the means of carrying on the building of an Institution, where 1000 children, the orphans of seamen, were to be provided for, and which must actually be stopt, if the means were not immediately granted for continuing the business of architecture; and this merely because two gentlemen were employed as officers in the Institution, who were not actually naval men. He was utterly at a loss to account for this persevering opposition from the hon. admiral, who, while he professed a zeal for the interests of officers in the navy, was actually, in effect, endeavouring to impede objects most interesting to the feelings of those officers. There was a school instituted at Greenwich Hospital, designed originally for the sons of naval officers, to the number of 200. That school was now full, but not entirely with the children of officers, of whom there were but 73, the rest being the sons of common seamen; and for want of room the son of an admiral was now obliged to sleep in the same bed with one of those common boys. It was designed to remove from the school to the Asylum all the children of common seamen, so as to leave the Institution free for the full number of officers' children; and yet to this intention, the hon. admiral was, in effect, offering every opposition in his power. As to the gentleman who filled the office of Auditor, he was not employed by the present commissioners; they found him in the employment, while under private direction, and they thought it not right to discontinue him. But he begged leave to say, there was an officer in the Military Asylum to execute the same duties, but he was under the denomination of Treasurer. The Auditor was personally quite a stranger to him, except in his official capacity, and he had himself inspected the house and garden allotted, and thought them by no means unreasonable for the person who filled the situation. But as to his livings in Ireland, and his own residence there, it had nothing to do with this question, so long as he was obliged, by the strict rules of the Asylum, to be constantly resident there, or resign his situation.

The house then resolved into the Committee, and on the Chancellor of the Exchequer moving for the sum of 35,000*l.* for the Asylum,

Sir *C. Pole* said, that his motives for persevering were the same which had actuated him with respect to Greenwich Hospital; namely, to preserve the exclusive right of the navy to the official appointments originally intended for them, but which principle had been shamefully violated in the case of Greenwich Hospital. The like violation of principle had commenced in the Naval Asylum, and if it was not resisted in the outset, he should expect shortly to see the governorship there conferred, perhaps, upon some German captain of cavalry, and the minor situations filled by Hanoverian subalterns or serjeants, instead of British naval officers. He would not, however, divide the committee.

Mr. *Windham* vindicated the motives of the hon. admiral, without entering into the examination of his objections.—The Resolution was then put and carried.

[CONDUCT OF MARQUIS WELLESLEY—CARNATIC QUESTION.] Sir *T. Turton*, in rising pursuant to his notice, felt it necessary to premise that, whatever might be his individual impression, it was not his intention, in consequence of his deference to the decision of the house, to submit any Resolution directly tending to criminate the character of the noble person, whose measures gave rise to the Resolutions he had to propose. But he considered it necessary, in vindication of the justice of this country, that that house should come to some Resolution respecting the nature and circumstances of the transactions in the Carnatic, and also declaratory of its intention to discountenance such proceedings hereafter. The hon. baronet therefore, reserving himself for that opportunity which would be afforded him by the indulgence of the house in reply, should then content himself with moving his two remaining Resolutions, as follows:

"That it appears to this house, that the person of the prince Ally Hussein, the rightful nabob of Arcot, was committed to the custody of the said Azeem ul Dowlah, who had, through the undue exercise of the power of the company, usurped his dominions; and that the said prince Ally Hussein, notwithstanding the frequent remonstrances and representations made to the British government, by himself and others, of the humiliating and degrading state to which he and his family were reduced by such confinement; notwithstanding his representations of the imminent danger to his life, which he anticipated from being placed in the power of his enemy and the usurper of his throne; was suffered to continue in such custody, until the 6th of April, 1802, when he died."—"That policy, as well as justice, loudly demands the vindication of the character of Great Britain in India, from the reproach of the above transactions; and that the interests, if not the preservation, of our empire there, call for some public act, which will convince the native princes, that a religious adherence to its engagements will, in future, characterize the British government. Consistently with these sentiments, and at a time when our implacable enemy attempts to justify his atrocities and despotism in Europe by the example of our conduct in India, it is peculiarly incumbent on the house, in the name of the people of England, to declare openly to the world, that the British parliament never did or will countenance any act of oppression and injustice in its Indian government. And, as evidence of its sincerity, this house resolves forthwith to appoint a committee to inquire into the before-mentioned act of the assumption of the Carnatic, the alleged motives thereof, and the particulars of the treatment of the family of our late ally, the nabob Mahomed Ally, and of the prince Ally Hussein, the lawful successor to the musnud of the Carnatic; and that it be an instruction to the said committee, to inquire into, and to report, whether any and what reparation can or ought to be made to the said family, for the injuries they have sustained by the usurpation of the said Azeem ul Dowlah; and that they may further report their opinion by what means the British character can be most effectually rescued from the obloquy and odium incurred from the above conduct of its servants, and how the British interests in India may be best secured from injury thereby."

The first Resolution being read, the gallery was cleared, and a division took place: Ayes 11; Noes 34. Majority 23.—On re-entering the gallery, we found

Sir *Samuel Romilly* on his legs, stating, that although convinced of the culpability of marquis Wellesley, he did not impute to him corrupt motives or personal feelings. He had acted in a manner which he conceived to be for the advantage of the East India company and the country: much was he mistaken in so conceiving! But the question was not upon the motives by which the noble marquis was actuated, but whether what he did was not prompted by a false ambition for the aggrandizement of his country; and whether that ambition was not gratified by the violation of every principle of justice. What effect would such conduct have on the British character? It was said the good of the country was promoted. It was for the house to decide on this; the materials were before them; every paper was produced; they were masters of the subject, and it was for them to determine whether they should or should not make these actions their own, and sanction a policy, as it appeared to him, so remote from wisdom or justice. This was a serious and important question; and for the honour of the British character, he was grieved to witness such a division as had just taken place. Of late years many wicked and designing men had, by their writings and actions, endeavoured to bring the parliament of the country into contempt. They had maliciously attempted to bring disgrace on the legislature of the empire; but he would seriously ask, whether all such persons could do, or any species of malice or abuse, had one-thousandth part of the effect of such a circumstance as this going out on a question which involved the national character in the nearest degree for policy, justice, and humanity, with only four or five members more than was absolutely requisite to decide on the most unimportant business. This was not a sound for the moment, it was not a transaction to be speedily forgotten. The papers now before them would be read and considered by future ages. It was not the character of the governor-general of India alone, it was the character of the British nation which would be recorded and commented on by the historian.—From his pen it would appear to future times, that after a lapse of years, the affairs of the Carnatic were brought before the British parliament; that every paper and species of information was in their view; that the subject had been frequently and amply discussed; and that even such was the notoriety of the circumstances, that not a single member could be excused for not being perfectly conversant with them. It would then be seen that they had not the manliness to adopt and applaud those measures, but that they endeavoured to get rid of a decision upon them by miserable previous questions, and other unworthy expedients. It would be seen that the very confidential ministers of the crown had never delivered their opinions on these vast objects of policy and justice, and those who read the story would wonder what subject could possibly be of sufficient importance for them to speak upon. They would be in amaze, and utterly at a loss to divine how they came repeatedly to vote with willing majorities on so grand a question, without ever having the condescension to express their sentiments, or offer their reasons for so determining. When he entered the house he had no design of being the first to bring on this discussion, and was astonished to see that such a task fell on him by the mode in which the question (on sir Thomas Turton's last Resolution) was on the point of being disposed of. Thus situated he might, perhaps, be guilty of some repetitions. He would not, however, repeat the subsisting treaties between the nabob of the Carnatic and the East India company, or debate the question whether he was a sovereign prince or a vassal of the company. In one respect, at least, he was independent: he was put in the situation of a sovereign prince by the treaty negotiated with him by the company. Even after the pretended records of his treachery were discovered, he was not used as a rebel who had thrown off his allegiance, but, as an independant prince, required to enter into a new treaty.—The learned gent. then went into a detail of the papers found at Seringapatam, and read extracts from the Letter from marquis Wellesley to lord Clive, on the occasion of appointing an inquiry thereupon, to shew that a resolution was formed, whatever might be the result of that inquiry, to seize the civil and military government of the Carnatic. These letters were not considered as sufficient evidence against the nabob, or it would have been unnecessary to examine witnesses on the occasion; neither did the evidence of Ally Rhezzi prove that the nabob was hostile to the British; on the contrary, it shewed that the most decided enmity subsisted between him and Tippoo. It was, therefore, monstrous to say that there was any thing in these proofs, as they were called, to affect the nabob.—He then commented at length on the instructions given to the commissioners appointed to examine the witnesses, and asserted, from the parts he read, that they were intended to intimidate them to give such evidence as would be agreeable to the company, upon whom they were entirely dependant. Such witnesses would not have been received in this country, and he was glad to see his learned friend (the solicitor general) taking notes of what he said, as, being accustomed to the justice of Britain, he would doubtless be prepared to shew that equal justice had been distributed in India. This examination must have been either judicial, in which case the accused person ought to have been heard in his defence, or it must have been for the purpose of publishing to the world a justification of the future measures adopted in consequence of it. If the latter, it was more than ever incumbent on the commissioners to be careful that no grounds of doubt should be left. But what was the case? The examinations, though taken in the Persic language, were put down in English, and the reason assigned for this was, that from the first question put to Ally Rhezzi, the examination, it was found, would not take the turn expected. Thus, when every thing turned on the construction of an ambiguous sentence, and whether certain words were meant as compliments, or had some concealed meaning, instead of writing down these words, the commissioners exercised their discretion, and translated them into another language. Both the witnesses examined fully exculpated the nabob. The evidence of Ally Rhezzi went to prove nothing, and that of Gholaum Ally Khan was reported by the commissioners to be full of contradictions. But what was the construction put on these examinations by lord Wellesley? He would not give up his favourite hypothesis against the nabob of the Carnatic, but he said, 'because these witnesses will give no material evidence, they must have a knowledge of some atrocious fact, which not even our assurances of personal forgiveness, and even reward, will induce them to disclose.' He would venture to say, that such a construction as this was unrivalled in the annals of injustice. The collection of the judicial atrocities of the darkest times, compiled by Voltaire, did not contain such a fact. Although it was known to the witnesses that the more atrocious their discoveries were, the more agreeable it would be to those on whom they depended, yet, with all the promises and threats held out in the Instructions before their eyes, they did not confirm a single suspicion entertained of the connection between Omdut ul Omrah and Tippoo Sultan. There were other witnesses examined, but because their testimony did not establish any fact consonant to the wishes of the governor-general, no notice was taken of the facts they communicated.—The learned gent. now turned his attention to the Cypher, and commented on the very great improbability of any such mode of correspondence being adopted in a communication on indifferent subjects, if even it had been intended as the vehicle for secret matters. It was monstrous and ridiculous to say, that there was any thing mysterious in this, where all the mystery consisted in calling Tippoo 'the pillar of the faithful,' the English, 'the new comers,' and Wallajah, 'the well-wisher of mankind.' By the same rule Gibbon's History might be called a cypher, when the attributes of persons were assigned to them as names, as Virgil's being called 'the poet,' and Claudius 'the emperor.' If such serious and melancholy consequences had not followed from such proceedings, they would have been more worthy of ridicule than serious discussion, and might, instead of having resembled a tragedy of Racine, have had the appearance of a foolish tale. When the enquiry was first instituted, the object was said to be, to guard against the power and treachery of Omdut ul Omrah; but from his death happening in the interim, the same design was executed against a child who could have no power, nor be supposed disaffected towards the British. Before these measures could be justified, it ought to be proved, that the son was a party with the father (if he was guilty), instead of having recourse to that monstrous proposition, which was laid down to the unfortunate Ally Hussein, namely, that Omdut ul Omrah having acted in such a manner as to become a public enemy, he, his child, by inheritance, entered into the condition of his father. But this curious and unfounded principle of national law did not enter into the conception of the parties, till occasion called on them for some such apology. If Ally Hussein would have consented to become the 'proper instrument' of the governor general, it would never have been heard of, nor would those delicate hints of his not being the son of Omdut ul Omrah have been circulated. Azeem ul Dowlah, now said to be the legal heir, would have been left to the poverty and obscurity from which he was elevated to the musnud. Twenty-four hours were given for the unfortunate prince to determine on the acceptance of the terms offered him by the Company. This was called a treaty, but it was not so: it might be a cession, or a surrender, but could not be called a treaty, where one of the contracting parties gave up independance, and indeed every thing he possessed. The prince, young as he was, determined not to disgrace the memory of his father; he rejected the proposal: and if there was a heart in the house, not entirely devoid of humanity, they must feel in the most acute manner, when he read the narrative, giving an account of his noble behaviour. Here the learned gent. read the description of the conduct of prince Ally Hussein, as transmitted by lord Clive. It had been often observed, that there was but a short interval between the deposition from the throne, and the grave; it was verified in this case. He did not mean to say that violence was used, only that so it happened. The defenders of the measure said it was good for humanity and for the inhabitants of the Carnatic, to have an European substituted for a native government. If this were true, it ought to have been done openly, and by force, and not by having recourse to base arts, false pretences, and a mockery of justice. He hoped some of the ministers would now break silence, and give a satisfactory statement of an affair which seemed so horrible to those who agreed with him. He could wish the statesmen among them to defend its policy, and his learned friend (the solicitor general) to shew that it was not a perversion of justice. How could they reconcile it to their consciences, to give silent votes on what so deeply concerned the character of that empire of which they were chosen the directors? For this was not a vote upon the conduct of marquis Wellesley, but upon the honour of the British nation. It was to declare, whether the acts of government in India were consistent with British justice, and to give an example to all future governors in India. It was either to tell them that we were determined to be just, or that the house would sanction and approve of seizing the dominions of our allies, and of violating every principle of justice and humanity.

Lord *Castlereagh* observed, that from the manner in which this question was discussed, it might be supposed that it was only in its commencement; but he would ask gentlemen whether they could so soon forget that the house had already come to a grave decision upon it? The house had resolved, by a great majority, that there was no ground whatever for the most material part of the charges relative to the Carnatic question, and negatived the motions containing such charges. The house was then in the singular situation of being called on to give redress in a transaction, of which it had already by its vote expressed its approbation. No question had ever met with a more marked decision on the part of parliament than the present, if he was to take the sense of parliament from numbers. The learned gent. who spoke last observed, that ministers had taken no part in this discussion. That was not precisely the fact; but if they took so small a part, it did not arise from any want of conviction as to the opinion they entertained on the subject. For his own part, he entertained great doubts whether the speech of the learned gent. would produce any good. Did he think any public utility could arise from the house of commons reversing the decision it had come to? and if he did, ought he not to blush at the idea of his friends not having brought the question forward before this time? Did he think that the house could so far forget its character as to reverse a decision it had so lately made? If this was the opinion of the hon. bart. he ought to more than blush that no effort had been made before this time to call the attention of parliament to a transaction which had occurred so many years ago. If his object was to blacken the character of the British parliament throughout Europe, and to shake the faith of the country by this posthumous effort of his faculties, never were faculties less usefully directed. He could not see any reason of practical utility that could have induced him to pursue this course; unless it was to establish a maxim, which had already been held forth in that house, that every man who went out to India discarded all ideas of public virtue from his mind. He could not suppose a greater injustice than to hold forth a notion that individuals of high situations, would so far forget every thing due to themselves and their country, as to abandon the principles by which they had acted all their lives before. The house was now examining a transaction which took place in 1801. Five years ago a charge was made against the individuals concerned in that transaction. Their character was not to be trifled with, their innocence was to be presumed until the contrary was proved. For years the question remained asleep, until the hon. bart. took it up; and would he now contend or suppose that persons were not to be found in that house who would have pressed this subject long before, if it was of that quality which some gentlemen supposed? Would the right hon. gent. opposite (Mr. Sheridan) have suffered this subject to be at rest for four years if he thought he could have made out a case? That right hon. gent. had said, on a former day, that he did not wish to interrupt the harmony which prevailed in the government which he supported. Did he mean, then, to impute to that government such gross negligence, and such an abandonment of all the principles of justice, as to suppose they would have passed over without notice this transaction, were it so nefarious a one as it was described to be? Would the right hon. gent. have sacrificed such a question as this to the convenience of a party? Was it likely that he, who had taken so distinguished a part in almost all other questions where there were imputations of gross injustice against individuals, would have committed such an abandonment of his public duty as not to come forward and vindicate the national character? He was not disposed to rest this question on any thing like personal authority, but he was justified in supposing, that had it been such as was lately described, it would have been brought forward by others long before this time. He had, however, much better evidence, namely, that which was contained in the papers themselves. To go into a detail of these papers would extend the discussion far beyond the limits of a single debate. He would merely state his view of the outline of the business, without pressing on the patience of the house. The question could only be argued on the ground of a treaty. He did not mean to contend that the sovereigns in India were not possessed of rights which the British government could not shake, without committing acts of injustice. But the question now to be considered was a mere question of treaty, and he was prepared to argue, that in the treaty made with the Arcot government, there were stipulations which prohibited the nabob of Arcot from holding any correspondence whatever with any native power, unless the consent of the British government was previously obtained. He suspected that the learned gent. was not able to make a connected defence for the princes of the Carnatic, in consequence of his having taken up the question in this manner, and of his having, at the end of his speech, entered into a dramatic declamation on the interval between the imprisonment and the death of princes. This allusion could not have applied to the question; and therefore in making it, the learned gent. could only have been wasting his strength. He contended that it was not the duty of marquis Wellesley to rest the safety of the British dominions in India, on any rule of proceeding which might be laid down in parliament, but on the general principles of policy and jurisprudence. The learned bart. had argued that the grounds on which the removal of the family of Arcot had taken place, were contrary to the rules of evidence; but he did not consider that it was not a question between one subject and another, or between a sovereign and a subject, but that we were trying a question with a sovereign prince, with a co-estate. Lord Wellesley, therefore, could only act on the principles of the laws of nations; on those principles, according to which a declaration of war would be justified. When the public safety required any particular mode of proceeding, it was not necessary to have such evidence as would be required in a court of justice. When during a period of profound peace, Sebastiani had been sent by Buonaparte to Egypt to shake the foundation of all our political and commercial relations in that part of the world, did the house of commons, at the time the question of war came to be discussed, require any more evidence of that fact than public rumour? They merely went on the question of fair presumption, in judging as to what were the views of the enemy. When a treasonable correspondence was carried on between certain persons in Ireland, and other persons at Paris, it did not require the strict rules of evidence to detect it. Now, what were the circumstances that came out in evidence at Madras? Would the learned gent. say, that no documents but those on the table had been found at Seringapatam? The princes of the Carnatic did acknowledge, that they carried on a correspondence with the government of Mysore, and he wished gentlemen to see what was the nature of this correspondence, and how far it was a breach of the treaty that existed between the British government and the nabob. The first period at which the correspondence took place, was in the year 1793. Whatever the nature of the correspondence might be, it must, however, be allowed, that the same having been carried on at the time of the treaty made by lord Cornwallis, it was amply sufficient to justify the jealousy of our government; and marquis Wellesley would have acted a strange confiding part, highly detrimental to our interests, if, after the discovery of such correspondence, he had left the government of the Carnatic where he found it. Here the noble lord referred to the several letters written by the nabob to the prince of Mysore; and said he should prove that the nabob of the Carnatic knew these letters were in direct violation of the treaty. They were not letters of mere compliment, but they were communications of political importance, which he knew he could not openly convey without breaking the treaty. But they were made privately; and if the nabob only wanted to convey expressions of mere civility, as were stated, that might be easily done upon giving a proper intimation to the government. It was said, that the correspondence was for the purpose of bringing about a marriage between the two families. If that was the case, what occasion was there for making use of a private cypher, which had no reference whatever to a marriage? It was a cypher by which hatred had generally been expressed by the native powers to the British government, and that was a curious sign to make use of in negotiating a treaty of marriage. Although, when he first read these papers, it was impossible for him to think that they were an innocent correspondence, yet, from his intimate habits of intercourse with lord Cornwallis, he inquired particularly of that noble person what was his private opinion as to this supposed treaty of marriage, and what his knowledge was of that transaction. He expressly stated he had never heard of any such treaty of marriage, although he was said to have been privy to the treaty. It had been asked what good or what object could Mahomed Ally have attained, by conspiring with the Mysore government against the interests of Great Britain; particularly so, when he was a man of good understanding, and must have known how fruitless his attempts might be? It was no difficult thing to suppose, that the family of Arcot could have taken such a view of their right to empire in that country, as might make them indulge a feeling that the effective dominion of that country ought to belong to them, and not to the India company. They might, partly from a feeling of ambition or mortified pride, and religious prejudices, imagine that they might have a more extended sovereignty over the country, and shake the power of the British government. These views might induce them to correspond with the Mysore government. Mahomed Ally, in a letter to Hyder, spoke of arms; here there was nothing about a marriage, the letter talked of their long enjoying the prospect of the sea from an eminence. What could that mean but a secret wish that the English gentlemen (to use their own expression) should be expelled from the country, so that they might have an uninterrupted possession of the whole? But this was not the only political correspondence that took place between the Arcot family and the family that was hostile to the English interests in India. A rooted jealousy and hostility of the British power could plainly be collected from the whole correspondence. It was a wise jealousy of lord Wellesley to take alarm at this correspondence. He was persuaded there was most evident proof of hostility; yet it did not rest on lord Wellesley's judgment alone, but was the favourite opinion of every governor in that country, that the family of Arcot, as well as the Mysore, were plotting the overthrow of the British power. When lord Macartney took the government of Madras upon him, no man could act with more deliberate and disinterested justice, nor with a greater desire to conciliate the native powers. Yet he afterwards declared that the family of Arcot was hostile to us, and nothing but its deposition could produce tranquillity for us in India. Such was likewise the opinion of lord Clive; and at last lord Wellesley was so convinced of it, by the evidence he had before him in India, that he proposed in council to do the act which was done. He saw that this family denied us all succour; that they were acting with hostility in every instance; and therefore his decision did not rest on the opinion of those governors who went before him, but on his own immediate observation. The very arrangement now so much reprobated as injurious to the British character, was the same which lord Cornwallis had recommended before that time as necessary to be acted upon, and as beneficial to both the parties. If it should be contended, that the punishment went beyond the measure of fair security, there might be an argument as to the question of the punishment. But he would examine whether it went much beyond the treaty of 1792. In the treaty, lord Cornwallis incorporated a condition, that the whole administration of the Carnatic should, in case of war, be taken into the hands of the British. The whole military and civil power of the state was to be in our hands. At length, when the treason between father and son came to light, did lord Wellesley push the right he possessed to an extent that could be called severity? The only difference was, that he did that in time of peace which by treaty he was entitled to do in time of war. The defective stipulations of the treaty perfectly justified them in their departing from it. The next question was, whether it could be considered as harsh to extend the severity exercised towards the father to the sons of the nabob. The learned gentleman who argued so much on criminal law, knew very well that in cases of treason, under which principle this question must be decided, the innocent must be involved in the consequences of the guilt of others. When the house of Stuart was driven from the throne of this country, the whole of the descendants were excluded also. It cannot be supposed, that such descendants would hold different sentiments from their ancestors. Was it to be supposed, that the son of Mahomed Ally would not entertain the same hostility against us which his father had done? and could lord Wellesley suffer him, consistently with the British interests in India, to remain on the throne from which his father had been removed? He might have had a disposition favourable to the British, but he was surrounded by a tribe of harpies, who had claims and expectations upon him; who altered his disposition, and persuaded him to think that justice would be done him in England. How was it possible, under such circumstances, to expect friendly sentiments from a person so beset, and with interested defendants, so perverted in his station? He was sure, that if the right hon. gent. had a just view of this question, nothing would have induced him to let it sleep for the space of four years. After the practical decision of parliament was twice had on this subject, he greatly lamented it was again brought forward. It had the effect of lowering the character of the country and of the parliament, in the eyes of foreign countries; because foreigners were repeatedly told the British government were giving sanction to those principles that characterized the conduct of the ruler of France. It would be a fatal moral to hold out to the world, and was besides a gross injustice, to attempt to run down the character of such men as lord Wellesley, after they had performed a most difficult public duty, in high situations, without giving them an opportunity of vindicating themselves; and thus to represent the British governors as having committed, and the government as giving sanction to, enormities similar to those practised by our enemies. For a considerable time, the attention of parliament had been occupied in hearing charges of this kind, accompanied with strong allegations, which it was difficult to refute. Fortunately, however, lord Wellesley had now completely vindicated his character, and he was now so completely in possession of the public opinion, that every possible degree of confidence might be reposed in him; and his character stood higher than ever it had done before.

Mr. *Sheridan* felt, that after the personal allusions so frequently made to him, he should not act respectfully towards the noble lord, if he continued silent on the present occasion. The noble lord concluded a speech, filled with the strangest and most monstrous doctrines he had ever heard, with a solemn appeal to the justice of the house, calling upon it not to establish so bad a moral as that of exposing the delinquency of public servants, for fear their conduct should be compared with the enormities of our enemies. It was with reluctance he entered on any of the enormities committed in India. In making such a declaration, the noble lord was not aware of the libel which he pronounced on an hon. friend of his, who was lately chief justice in India. Here Mr. Sheridan quoted a speech delivered at the time of Mr. Hastings's impeachment, by Mr. (now sir John) Anstruther, in which that gent. dwelt on the enormities practised in India, and insisted on the necessity of investigation and punishment. But now the house was to understand, from the speech of the noble lord, that no governor in India, let his crimes be ever so great, was to have his conduct at all inquired into. He maintained, that the best way to hold out to the world that we practised no enormities, was to punish those who committed any. The noble marquis, whose conduct was now the subject of discussion, had lately made an observation, that the attack upon Copenhagen, and the seizure of the Danish fleet, was an event at which Englishmen ought to rejoice, because it would grieve Buonaparte. It was unwise in the noble marquis to make such a declaration; because he believed it to be entirely the reverse of what was the fact. He sincerely believed, tha

Buonaparte never felt more joy at any event than what this act of ours gave him. In that act he saw our character blended with his own. He found in it an indemnity for the past, and security for the future. The noble lord's code of political morality was the worst he had ever heard broached in that house. His desultory term 'Will o' the Wisp speech' had not put down a single argument advanced by his learned friend, to whom he felt grateful for the sentiments he had delivered. He did not feel a wish to say any thing uncivil towards the noble lord, particularly so, after the very handsome manner in which the noble lord spoke of him the evening before last. But he should have supposed, had he not known his assiduity, the noble lord had never read the papers relative to this subject. He had said that Ally Hussein had forfeited his right to the throne, inasmuch as he inherited the treason of his father. He could never have been a party to a treason which had not been communicated to him, and with which the father had not been charged in his life-time. He never knew a more monstrous attempt than this to impose on the credulity of the public. There was no analogy in this case to that of the house of the Stuarts, in which a country chose its own magistrates, which every people had a right to do; but here was an independent prince, who was an ally; and what right had any man to say, that we should dismiss from the throne of his ancestors the lawful heir to that throne, against whom no charge whatever could be made? But what became of all this argument, when the fact was, that Azeem ul Dowlah was put on the musnud over the son of a person who was actually proved to be an enemy to the British interests? The noble lord shewed the grossest ignorance of the papers; for the very correspondence he referred to was carried on with the consent of the government of Madras. As to the cypher, he appealed to the hon. baronet who had been chief justice in India, and would ask, if he would suffer a man to be convicted on such evidence [sir John Anstruther signified that he would not], he was happy to hear his hon. friend say he would not. Yet it was on such evidence, that an innocent young prince was deprived of his throne, and placed in a situation in which he lost his life. Mr. Sheridan then read some correspondence, in order to shew that the British government in India considered it as likely to be favourable to their interests, to have an intimate correspondence and connection carried on between the house of Arcot and the Mysore. It was attempted to justify this transaction, on the ground of state necessity. But this act of injustice and robbery could not be an act resulting from state necessity, because there existed no necessity for it, or at least none had been shewn, to influence their decision. The right hon. gent. next read some papers, to shew the steady attachment of the nabob to the English; and he defied any governor to say, that there existed the slightest proof of the hostility of the father or the son, except what was extracted from the trash found at Seringapatam. The arguments that had been used to prove that the nabob was considered as a vassal to the India company, were as unjust as they were unfounded. The important documents on the table put that question out of all doubt, for it would appear by an address actually signed by his majesty, countersigned by lord Cornwallis, and addressed to the nabob, dated the 13th of May, 1790, that he was considered not only as an independent sovereign, but actually called the 'faithful ally and friend' of the British government in India. Here the right hon. gent. read a long extract from the address alluded to, from which it likewise appeared that the very first acre of ground the English became possessed of round Madras, was acquired through the friendship of the nabob of Arcot; yet he argued, after such an unqualified declaration under his majesty's own hand, of the independency of this prince, such degrading language was to be held out! Was it to be endured for one single moment, that the rights and laws of nations were to be thus trampled upon with impunity, merely upon the alleged policy of the measure? From a very patient perusal of the very important documents on the table, they established this proposition in his mind, that there was no ground whatever for any suspicion of the faithfulness of the nabob of Arcot and his son towards the British government. There was one part of this question which he could not but consider as a great dereliction of principle in the noble marquis. It was said that he took every possible care for the protection of Ally Hussein, the deposed nabob. Could it be thought for a moment, that the deposed nabob would be safe in the hands of a man who threatened him with instant death if he ever attempted to regain the throne of his father? From these circumstances he concluded, that the young nabob was not safe in those hands. He did not feel disposed even to enter into all the motives that might have actuated the noble marquis in his conduct, and he was less disposed to argue the accusation urged against him of his being actuated by pecuniary interests in his administration; but looking at his general conduct as a governor of India, he must say there was no parallel in the history of that country which presented so unbridled an instance of insatiable ambition. The sum total of what the country knew of his conduct as governor was, that he succeeded to the government after lord Cornwallis. He found India in a great and increasing state of prosperity. He found a system of equity and economy in the public expenditure, admirably calculated for the solidity of our establishment in that country. But when he left it, he left behind him an example of the most pernicious prodigality and profuseness. When he landed, he found a disposition in the Company's servants to revere the laws, and to abide by the decrees of his majesty; but when he left it, the utmost contempt prevailed of the laws and regulations of the Company. When he went there, the native powers of India placed the utmost confidence in the faith of the British government; but he left them entertaining in their minds the most irreconcilable sentiments of disgust and enmity, on account of its treachery and oppression. In short, the result of the noble lord's administration was this, that when he went to India, he found Great Britain without a foe, and when he departed, he left Great Britain without a friend. Upon these grounds he felt himself called upon to say thus much, not from any personal enmity to the noble marquis, but from a principle of preserving his own consistency. He took this opportunity of defending himself from the insinuation thrown out by the noble lord in the commencement of his speech, that he had departed from principle in seeming to neglect the cause he had so strenuously undertaken to advocate on former occasions, by stating that his sentiments upon this subject had never been in the least altered from the first intimation he received of the oppression and tyrannous dethronement of the young nabob, and the subsequent information that arrived in this country of his murder. On that occasion his mind was so horrified by the atrocity of the act, that he resolved immediately to institute an inquiry into the causes of so gross a violation of the laws of civilization and humanity. Circumstances, however, had prevented him from carrying the desired object completely into effect personally. He saw no prospect then of pursuing the investigation in that administration, and from these considerations he did not press it. He had, however, moved from time to time for a great number of documents, which must remove at once every suspicion of his having cooled in the cause. He concluded by declaring his fixed determination at all times never to shrink from the task he had imposed upon himself, of representing the noble marquis's conduct in the plain and unvarnished manner in which he fully persuaded himself the various documents on the table exhibited the circumstances of his admistration to the country.

Mr. *Fuller* contended, that this was a most extraordinary discussion, and made on the opposite side a question of party rather than of principle.

Dr. *Laurence* supported the Resolution. The proposition of the noble lord, that this was held to be a grave question by the house, might well be doubted, if they were to judge from the manner in which they had decided upon the evidence adduced in support of the charges against the noble marquis. Upon what principle it was that the house intended to act in its decision upon this subject, he was at some loss to conjecture. Although it might be argued in favour of the noble marquis, that he was not actuated by motives of pecuniary aggrandizement, yet there were a thousand other bad passions which might actuate a minister, equally as mischievous and destructive to the interests of a nation, as those connected with the most sordid motives. Inordinate ambition must on all hands be admitted, in a moral point of view, to be the most pernicious of all the passions that actuated the human mind. That such was the motive of the noble marquis in his administration, must depend upon what degree of credit the house would attach to the evidence of the papers on the table. In his opinion, formed upon the consideration he had given to those documents, the accusations were unanswerable. Here the learned gent. combated the arguments used to justify the policy adopted by this country towards the native powers of India. Nothing was more unjust and unprincipled, nothing was more opposite, not only to the law of nations but those of nature, than the system of oppression practised upon the unfortunate nabob of Arcot; whose rights and privileges were violated upon the most unwarranted and unjust pretence of having broken a treaty, when, in fact, the most barefaced act of tyrannical policy obtruded itself throughout the whole transaction. He related the history of the first transactions of the British government with the nabob of Arcot, until the period of his contracting his debt with them, and detailed the various pretences urged by them for increasing that debt, which he considered as the over-reaching principle which universally characterized the conduct of the India company's servants, and brought the narrative down to the period of their interposition in the affairs of the Carnatic, under the pretence of the discovery of the secret correspondence with the neighbouring potentates, for the purpose of forming a confederacy against the British interest. In considering the evidence in support of the allegation, that a violation of treaty was the ground of their interference, he contended that there was a previous determination of the government of India to adopt that measure long before any knowledge of such pretended correspondence was received. He knew of no law of nations that could warrant so unjust an interference on our part upon presumed evidence of danger. He did not deny the principle of self-preservation, as the first law of nature; but the fact of real danger must be clearly justified and substantiated, before we could presume to violate every law both human and divine. With respect to the stress laid so strongly upon the mysterious information contained in the cypher, he argued, that there was nothing in it, if the context was considered, that could justify such a construction as that put upon it by the advocates of the noble lord. This cypher was to be used as a breach of treaty, and consequently was not a sufficient justification for the acts of tyranny practised upon the nabob. The treaty stipulated that the nabob was not to go to war without the consent of the British government. Now, supposing even that this correspondence did contain sentiments of a political nature, was it just or reasonable to infer that any breach of treaty with the British government was meant? He was persuaded that out of twenty letters which had passed from the nabob to the other powers, his allies, not a single phrase had been used which could attach to the nabob any violation of treaty. Taking the whole of the evidence, and the arguments upon this question urged by the gentlemen on the same side of the house, he was decidedly of opinion that this act was not founded in justice or sound policy, which were inseparable from humanity and benevolence.

Mr. *Windham* said, he was not disposed to enter into a discussion upon the merits of this question. He was restrained in doing so, not merely from the lateness of the hour, but really from a sort of despondence he entertained that any arguments which could be offered could have any weight with a majority of the house, who seemed, in opposition to reason and evidence, disposed to pass a vote rather of approbation than censure. He could not suffer the subject to pass by without making a few observations upon some of the arguments urged by the noble lord. The principle contended for by the noble lord in support of the policy of the East India company in India, reminded him of the last line of a song, written by Dr. Swift for a highwayman, 'Every man round may rob if he pleases.' In the annals of injustice, and in the annals of romance, what could be more preposterous than this principle? In alluding to the manner in which the evidence upon this subject was forced from Ally Rhezzi, it was impossible to come at the truth by such a mode of examination as that adopted on that occasion. The effect of torture was not to produce truth, but to produce only that which the person inflicting torture wished to be told. The construction put upon this evidence reminded him of a passage in the works of lord Shaftesbury, in reference to torture, that he would produce out of the words, 'My son Tommy has got the piles,' a very good plot against the house of Hanover. He regretted extremely that the house had not the aid of his learned friend (the solicitor-general) on this side of the motion, who made so great a figure on the trial of Mr. Hastings; but, it would seem, the principle by which we were to be guided, was that the natives of India had no rights, that we had no duties, and that all was to depend upon the decision of our majorities. He firmly believed, that for the enormities committed by the British power in India, in all the enormities under all the successive variations of the French Revolution, and by no means recently under Buonaparte, no parallel was to be found. If, then, they could not find a parallel in Europe for the enormities committed in India, how could it be supposed that the votes of the house of commons were to effect any reformation? He would wish he could separate the man from the conduct, but, unfortunately, both must be taken together. As to the motives of the noble marquis, what was the use of any enquiry about them? A man might have a motive to get money for his family, a laudable one to be sure; but, then, if the motive were carried into effect by a violation of all justice, were we to excuse him for his motives? The right hon. gent. concluded by lamenting most sincerely what had happened; lamenting that men in the situation he saw could be found to defend it; and lamenting more than all, that a British parliament should sanction it. They were not to look at this affair with the eyes of others; the papers were before them, and from the decision they gave thereon, the world would pronounce sentence upon them.

Sir *Thomas Turton*, in reply, answered the charges of mismanagement of the cause, that had been brought against him. It was said, that in opening the question, he had made use of violent language and personal invective. He referred to the annals of parliament, and defied any member to produce an instance where such a cause had ever been introduced with less of either. He had never said, as had been asserted, that no man ever returned from India either honourable or honest. It was only in illustrating the position he laid down, when expressing his surprise that Europeans, who acted with the strictest regard to justice in all their transactions in their own quarter of the globe, should act so differently in India, that he quoted the authority of Mr. Burke, who said, that Europeans were unbaptized in crossing the equinoctial. He had the utmost personal respect for the noble marquis; but what he had ever expressed in that house, and out of it, was a decided disapprobation of the measures he pursued during his administration in India. He could not agree with the noble lord, that such discussions as the present were calculated to produce ill effects; if they were so, however, it could only be from the decision they called forth. The hon. baronet then went at some length into the state of Indian affairs, and contended that there was no truth in what had been said, that the nabobs of the Carnatic had been raised by us from the dust; on the contrary, when we assisted them, it was not for their sake, but for our own, and in order to expel the French from their extensive territories. What had been the defence offered for this atrocious act? atrocious he should always consider it, and so must every one who read the papers divested of party feelings. A trumpery pretence of evidence, and not even a state necessity shewn. As for the cypher, it was too ridiculous to merit mention. He cordially agreed with the noble lord, that British justice and policy ought ever to be the same, and if this could not be defended on the ground of justice, it ought to meet with condemnation. He then put it to the breasts of gentlemen opposite, to the breast of the house and of the country, if they could read these papers, and conscientiously say there was any justice in this case, or rather if there had not been most atrocious injustice. He had never known before that it was the custom of Britons to visit the iniquities of the fathers upon the children; but here they had gone much further, for the ancestors of Ally Hussein had not even been convicted; yet the grandson was condemned to pay the forfeiture. As to the treatment received by the prince, all he asked was, that it might be investigated. He pledged himself to prove much more than what he had stated to the house, and to bring forward witnesses who would far exceed in description of these melancholy circumstances all that had been imputed to his warmth in narrating. He had been blamed for speaking harshly of the commissioners, without deserving any such censure. All that he had said was, that they cold-bloodedly dragged the prince from the death-bed of his parent, to answer the interrogatories they had to put to him. In applying this epithet, he had spoken of their office, and not of themselves personally; and if they were, as he had no doubt from the representation of the hon. colonel opposite (Allan), honourable and upright men, he gave them his hearty commiseration for the painful duty imposed upon them, which, in executing it to the satisfaction of their employers, must have filled them with horror and disgust.—He now came to the policy of the measures. What had we gained at the grand expence of loss of honour and breach of national faith? Our tributaries had been made slaves and our allies foes. We had placed Azeem ul Dowlah on the throne, in utter disregard to the Mahometan laws, and in disregard to the just and prior claims of the two nearest heirs. We had stolen from one, borrowed from another, and stripped a third, till we had augmented our territory, and increased the number of our subjects by 20 millions, but our debt had increased 20 millions during the same time, and for seven millions of annual acquired revenue, we had involved ourselves in 16 millions annual expence. We had made every man in India our enemy; and if an adverse army found its way to the East, such was our situation there, he was afraid our dominion would be overthrown. To whom could we apply? Not to the Mahrattas, or any of the native powers who maintained their independence. We might truly say, "Timeo Danaos, et dona ferentes.'—After we had made them as miserable as we could; after we had dethroned their princes, expatriated their nobles, hanged their chiefs at the doors of their castles; and when we had no further evil in our power, we turned to attack their institutions and prejudices. Those venerable errors, which, if we believed Pliny and others, subsisted 2,000 years ago, could not be suffered to remain; and the conquerors of Seringapatam and Laswarry were found to be dangerous from the cut of their whiskers, or the dangling of their ear-rings. He knew not how it would be received by the country, that such a weighty and important enquiry as this, involving all that was dear or desirable to Britons, had been met by previous questions instead of broad and ample discussion. He sincerely wished ministers had delivered their opinions, and not thrown their broad shield over such a subject. The people would not suffer it to be done, and he was sure, whatever the majority might be within doors, there would be a very great majority in the country in favour of his opinion. As for the personal motives, he never imputed any to the noble marquis. He did not suppose that even avarice would have tempted him to such a course. But there was an avarice of ambition as well as of wealth, and the conduct of an individual, pursuing what he conceived to be for the glory of his country, might be as dangerous and unjust as if he was actuated by worse motives. Did gentlemen know the state of the press in India? No one could know what was doing at his own door, without the permission of government. If, therefore, the state of Indian affairs could not be made known in India, let them see that it could be openly declared in England. Let the people of that country see the freedom and impartiality of a British parliament, and let us not turn them away from our doors disappointed. He called on the house to pause before it came to a vote, and consider well the greatness of the stake depending on their determination. He expressed his regret that, possessing neither the weight of ministers nor of the opposite party, nor, more than all, of talents, he had been so weak an advocate in the cause. He had not, however, come unprepared before them, but had made these matters the subject of his most unremitting study, and came forward actuated by a strong sense of justice, and an ardent desire to procure atonement to suffering India.

The gallery was now cleared, and the house divided:

For the Resolution - - - -	19
Against it - - - - - - -	97
Majority - - -	—78

Mr. *Wallace* then rose, and said, that after what had passed on this and former discussions, it was unnecessary for him to introduce the Resolution which he was now going to move, with any preface; he should content himself simply with moving the following Resolution: Resolved, "That it is the opinion of this house, that the marquis Wellesley and the earl Powis, in their conduct relative to the Carnatic, appear to have been influenced solely by motives of anxious zeal and solicitude for the permanent security, welfare, and prosperity of the British possessions in India."

Sir *James Hall* said, that he only differed from the right hon. gent. who had made this motion in thinking that it did not go far enough; it was high time that parliament should do that justice to this illustrious character, which the meanest, the most degraded subject of our laws had a right to demand. After submitting the conduct of the noble marquis to the severest scrutiny, during a long course of years, and after deciding, by very great majorities, that he had done nothing wrong, the house was bound to grant him a deliverance, not only to free him from the present charge, but to protect him from all future attempts on similar grounds. It would become the justice, the honour, the gentleman-like feeling of the house to do a great deal more; not only to clear the character of the noble marquis from blame, but also to declare their high opinion of the services he had rendered his country, in such a manner as to revive the recollection of those services, which seemed to be in a measure forgotten. If the consequence of such a declaration were to be what a right hon. gent. (Mr. Sheridan) had deprecated, were the noble marquis raised to a high station in the ministry, he should rejoice in the experiment, by which there was reason to expect, that our councils at home might be animated by that astonishing efficiency which had shone so conspicuously in his Indian administration.

Sir *Thomas Turton* said he had a trifling amendment to propose, which was to leave out the words after the word 'influenced,' and to insert the following words: 'By a desire to extend the British territories in India, in contempt of all treaties, and in violation of the national character.'

Mr. *S. Lushington* supported the motion.

Mr. *M. Fitzgerald* felt extreme uneasiness in giving a vote on so personal a subject, but with all his esteem for the private character of marquis Wellesley, and looking only to his politics as a public officer in India, he must give his vote against the Resolution.

The house then divided: for the Amendment 19; against it 98.—Majority 79.

Mr. Wallace then moved the original question of the Vote of Approbation. Upon which,

Mr. *Howorth* addressed the Speaker thus: Sir; the house is called upon to determine on the noble lord's motives: there is no human tribunal competent to decide on them. The merits of the noble lord must be tried by his actions: if you try him by the fundamental Resolutions of this house, or by the laws of his country, shew me the resolution or the law which he has not violated. If you try him by the opinions of the Directors, there is scarcely an act of his government which they have not condemned, and given such reasons for their opinions, as were unanswerable, and therefore they were suppressed: if you try the noble lord by the effects of his government, let us look at the results: at home, irretrievable ruin; look to India, you find there a territorial revenue of fifteen millions, falling short of the expences of its establishments upwards of two millions annually, loaded with a debt of thirty-two millions, encreasing daily; the native powers of India disaffected; their minds alarmed with jealous apprehensions of our ambitious encroachments; disgusted with our humiliating control; disgusted with the disgraceful subordination in which they have been placed; and, in this last instance, of our perfidious policy to the miserable victim of our rapacity, the unfortunate Hussein Ali; disgusted with the baseness of our ingratitude, the mass of Mahomedans in the Carnatic are seeking only for a period to their sufferings, in the subversion of the British government; and even your Sepoy establishment, the last native resource you had to trust to, ready to take up arms against you: every financial resource exhausted; not a rupee in your treasuries: this, sir, is the state into which lord Wellesley's mal-administration brought India: this is the state in which he left it, and this is the state in which lord Cornwallis found it. The noble lord opposite (lord Castlereagh), has repeatedly introduced the name of lord Cornwallis into the debate of this night. I would ask the noble lord, I would ask any member of the house, for what reason, for what purpose, was such a man as lord Cornwallis, at his advanced period of life, not merely called upon, but solicited, entreated, as one of the greatest services he could render to his country, to again undertake the government of India? Was such a man wanted to pursue the system, and tread in the steps of lord Wellesley? No, sir, he was sent out for very different purposes. Does the house know how that lamented nobleman was employed from the first moment of his arrival at Calcutta, to the latest period of his existence? He was employed, sir, in reversing every measure, in cutting down every political act of his predecessor, in endeavouring to repair, or at least to put a stop to, the universal mischiefs produced by the measures of lord Wellesley. This house voted a monument to lord Cornwallis. If you approve of the conduct of lord Wellesley, be consistent, at least, and begin where, on this principle, you ought to begin, by ordering lord Cornwallis's monument to be pulled down, and then on its ruins you may erect a statue to lord Wellesley: but, at last, we are told, that the noble lord's motives were always good, that his zeal to serve the Company was always ardent: I have already said, there is no human tribunal can take cognizance of his conscience or penetrate into his motives, abstractedly from his conduct. In my mind, sir, the noble lord has done all with his eyes open, caring, as it seems, but little for the consequences; secure of protection here; and so he has found it; but before this house proceeds to pass a vote which as an hon. director (Mr. Grant) has told you, will be attended with incalculable mischief in India, I trust it will reflect, and I call upon his majesty's ministers, before they lend their aid to a measure so pregnant with disgrace to the British name and character, to reflect on those duties which they owe to their sovereign, to their country, and, in truth, to their own characters. I thank the house for the indulgence it has shewn me, I shall trespass no longer, but shall give my decided negative to the present question.—The house then divided,

For the Vote of Approbation - 98
Against it - - - - - - - 19
Majority - - - - —79

List of Members who voted in the Minorities.

Astell, W.
Creevey, T.
Fitzgerald, M.
Folkestone, lord
Grant, C.
Hamilton, lord A.
Horner, F.
Howorth, H.
Johnstone, G.
Lushington, S.
Laurence, F.
Martin, H.
Moore, P.
Ossulston, lord
Romilly, sir S.
Sheridan, R. B.
Smith, W.
Smith, G.
Turton, sir T.
Western, C. C.
Whitbread, S.
Windham, W.

HOUSE OF COMMONS.

Monday, June 20.

[Scotch Local Militia Bill.] On the motion for the third reading of this bill,

Mr. *Yorke*, pursuant to his notice, rose, he said, to deliver his sentiments, not merely upon the subject of this bill, but on that of the English Local Militia, which he had not an opportunity of attending in its progress, and upon the defensive state of the country. He began, by expressing his regret, that the people did not now seem so feelingly alive to the danger with which they were threatened, in consequence of the accumulated means and determined intentions of the enemy, as they were a very few years since, when that danger was much more distant, and when impediments, numerous and formidable, stood in the way, which had been since removed. The country seemed to repose in a fatal security, as if people imagined, that because there was not a formidable army now encamped at Boulogne, the danger was less imminent, or the purpose of the enemy less certain. But, for his own part, he was convinced, the more time the French emperor took in preparation, the more certain was our danger; because the greater would be his power, and the more mature his plans. Having now conquered or humbled to his purpose almost all the powers of the continent, and having no diversion to apprehend from thence, but, on the contrary, the means of all the continent superadded to his own, there was not room left for the slightest doubt of his long-threatened and immoveable purpose, to concentre all his means, for the purpose of adding this country and Ireland to the number of his conquests. It was consequently the duty of the government to make every possible preparation. He entered at considerable length into a review of the different means to increase the number of armed men in these kingdoms. He was glad to find his noble friend had, in addition to the General Militia and Volunteer systems, and the Local Militia, determined to retain also the Training bill in England, as a part of his plan; but he could see no just reason why the principle of the Training bill should not be carried into operation also in Scotland, as well as that of the Local Militia; or why any difference in this respect should be made between the two countries. When he had the honour to introduce the Training bill in 1802, he included Scotland. With respect to the principle of militia force, he owned that he should prefer a much greater limitation of that force, and an enlargement of the force for general service, both in Great Britain and Ireland, who might be interchanged as occasion required, and continuing the training system to the utmost extent, so as to keep a trained force always prepared, in case of emergency, to join the army; the men thus trained, to be termed the Army of Reserve, or any other appropriate title; but in case of actual emergency, he was confident resort must inevitably be had to some sort of conscription, by ballot, or otherwise, as it would be useless to depend upon voluntary enlistments to fill up the ranks. He was apprehensive that much confusion would arise from carrying on at the same time the two ballots for the General and the Local Militias, which could not be prevented without the utmost care of the parties to whom the business should fall. He answered some comparisons which had been made on a former night between the different systems of discipline in the British and French armies; and he gave a decided preference to the former. Upon the whole, he thought, that under the operation of the various plans on foot for increasing the number of armed men in the country, the numerical force was carried to pretty nearly its utmost pitch; and he was also glad to find that the regular, militia, and volunteer forces of the country had attained to a pitch of numbers and discipline beyond any thing that was ever thought of. It was by sedulously keeping up this system of force and discipline, under judicious commanders, added to the native valour of the people, that we must place our sole hopes of security; so that when an enemy such as we had to contend with, should view with a soldier's eye the extent and disposition of our force, and see that we were well defended at all points, he would naturally decline to meddle with a country so circumstanced, and which, he must see, he could not touch without burning his fingers. But, of the intention of the emperor of France to use every means in his power to conquer these countries there could not remain a doubt: of his formidable power, his prowess, and his talents, the world were witnesses; and if valour, talents, and prowess, could give any man claims to royal power, it must be acknowledged no man ever merited more the title of Emperor of France. Of his morals, or the means he sometimes used to compass his ends, he would say nothing; but as a conqueror, it must be admitted he was equal, if not superior, to Cæsar or Alexander. Such an enemy, armed with the means he possessed, was not to be viewed without apprehension: he had already conquered much the greater part, if not the whole, of Europe. There might be those who flattered themselves he had work enough cut out for him in Spain, to divert his attention from this country; but it was to be feared the spark lately struck in that kingdom, had kindled but a feeble flame, and of short duration; for how was it to be expected, a people, whose government had treacherously conspired with its own enemy to surrender them to French slavery and rivet their chains, could escape the machinations so long preparing against them, and terminated by the base and degrading surrender of the last crown of the Bourbon family, to which the Spanish monarch had proved himself a disgrace? Every man must have seen from the moment that the Spanish army was divided, and one branch sent to Portugal and the other to the opposite frontier, while a French force was suffered to march into the heart of the country and make themselves masters of the capital, that the people were betrayed. That was the moment when any interference on the part of this country might have been successful; but now, he feared, it was too late, and that scarcely a hope remained that the struggles of the Spanish people would be successful.—As to Sweden, he feared there was as little room to hope for a successful issue in that quarter; or that the Swedish power, however praiseworthy the magnanimous and princely spirit of the monarch, could have any chance of holding out against the combined force of Russia and France. Those countries reduced under the power of that man, whose sleepless activity and vigilant ambition, marked his views as nothing short of the subjugation of Europe, perhaps of the world, he would then possess the whole force of Europe, and command every port from the Baltic to Cadiz, to detach its force against us. It was, he thought, quite impossible to expect any thing else than that his success against Spain and Sweden, would be immediately followed by an attempt on Great Britain or Ireland; and of the latter country, he would only say, that though it was the left arm of the empire, it would require the force of the right to keep down rebellion, in case of such an attack. It was notorious that the French emperor, on a landing in that country, looked to the assistance of a numerous party, whose object it always was to effect a separation from this; for though the great body of the people were loyal, and attached to British government, still there was a numerous party in Ireland ever since the days of queen Elizabeth, with whom separation from this country was a favourite project, and who only postponed the attempt for want of a favourable opportunity in the aid of some foreign power. This was the main purpose, disguised under the clamour of Catholic emancipation, for which, as was acknowledged by one of the leaders of the last Irish rebellion to the Secret Committee of parliament, the people did not care one farthing.—As to the means of our defence, too many there were who looked to British fleets as impregnable bulwarks against the enemy's designs; but history furnished many instances to shew, that a reliance solely upon such a security was dangerous in the extreme. He instanced the case of the French fleet and army, consisting of 13 sail of the line, and as many frigates, with 300 transports, and 40,000 men, which sailed from Malta in 1798 to attack Egypt, and although admiral Nelson was in pursuit of them, and so near that his fleet passed their sternmost ships in the night, yet they were able to effect their landing, and take possession of the country.—It would be recollected, that at the time that lord Bridport was before Brest, a French fleet went out of that harbour, ran up into the Mediterranean, touched at Cadiz, and returned to Brest without any loss, and carrying in the Spanish fleet with them: it was but the other day that the Rochefort squadron left that port, sailed up the Mediterranean, went to Corfu, did the business upon which it was sent, and then arrived at Toulon in safety. In neither of these cases was the slightest blame to be attached to the officers who commanded; but, from the difficulties of the service itself, it was utterly impossible to prevent the recurrence of such things. We knew the formidable power which was opposed to this country, and the formidable mode in which that power was usually applied. The French government had called out and selected all those institutions which could best promote the great object which they had in view. They had completely adopted the old Roman principle, of making use of the armies they had conquered. It was, therefore, impossible to calculate the number of soldiers which France could collect from the extensive regions under her influence, for the invasion of this country. The great means of attack were principally derived from the adoption of this principle. There was another strong feudal principle which had been revived by Buonaparte, that of giving fiefs to his generals and officers in the conquered countries. If an invasion were successful in this country, or rather in Ireland, we might depend upon seeing the same system realized, that was acted upon at the Norman conquest. Nobody should flatter himself that it would be possible, after an unsuccessful campaign in this country, to patch up any kind of peace with France that would preserve property in its present channel. The victorious armies would be distributed over the country to colonize the soil that they had conquered.—Had our navy not been in the state it was, this misfortune might have fallen on the country before now. It therefore became wise and prudent statesmen to consider of such measures, that if ever our navy should be inferior to the enemy, as it was for a short time during the American war, or in case any accident should befal our fleet, either from conflagration or tempest, such accident should not leave the country without defence, or give it up into the hands of the enemy. The game that was now playing was altogether in favour of the enemy; for this country was contending for its last stake, while its enemy was exposed to no such risk. Suppose an army of the enemy to be landed in this country, and beaten, what would be the consequence? It would only be that their army would surrender, that its officers would be treated with kindness, as we always did treat officers who were prisoners, and that the surrendering army would only give us a number of prisoners to be maintained at a great expence. The loss of one army would scarcely be felt by France, but the success of that army would be the absolute ruin of this country. To meet such dangers, he thought a system should be immediately adopted to strengthen and fortify the country itself, as well as to prepare the best means of bringing up its whole force to oppose the enemy. It was well known that vast sums of money had been granted for fortifications, and he should feel it his duty next session to move for a Secret Committee, to examine in what manner those sums had been expended. As to the defence of the coast, he believed the coasts of Kent and Sussex were pretty well protected; but he wished to know why the coasts of Essex and Suffolk were not equally fortified. He thought that the entire coast from Portsmouth to Yarmouth, including these towns, should be put in a perfect state of defence. Neither should the western coast of England, or the coast of Scotland be neglected. The French had put almost the whole of their coast in such a state of fortification, that a boat could hardly pass any where without meeting obstruction from some battery. The communication with Ireland should also be attended to, and the enemy should never be allowed, as was the case about the time of the Union, to cruize in the narrow part between the two islands.—He should next advert to the internal defence of the country, and in the first place of its capital. It was well known, that at the commencement of the war, he had delivered his opinion against fortifying London. Austria was, however, at that time unbroken; Prussia was powerful; and the colossal power of Russia had not been brought to the test. This opinion was, however, now entirely changed with the circumstances of the times. Now that Austria was in chains, and dared not look her conqueror in the face;

now that Prussia had vanished from the earth, and the weakness of the colossal power of Russia had been proved, he thought that measures ought to be taken for securing the capital by fortifications, which, defended by the physical force of London, might stop an enemy, at least until our main force could come up. He thought the strong passes in Kent and Sussex should now be fortified, so as to afford strong positions to our armies. He thought that equal pains should be taken to defend the approaches to London through Suffolk and Essex; but that if, after all, London should be taken, the country ought not to be given up. He should, even then, think that the heart of the country, which he considered to be on the banks of the Severn, the Trent and the Mersey, should still be defended, and the communication being kept up with Ireland, might supply fresh armies to fight the last battle for the defence of the country. He considered fortifications as absolutely necessary for the defence of any country, and very often the principal cause of its success in war. It was from the care that Lewis the 14th had taken to secure the frontiers of France with impregnable fortresses, that the expedition commanded by the duke of Brunswick so completely failed. Buonaparte knew so well the value of fortifications, that in his most successful campaigns he took care to secure himself, every step that he advanced, by such means. He thought the fort of Brannau of such importance, that he would not surrender it to Austria until the war with Russia and Prussia was finished; neither would he permit Austria now to raise fresh fortifications. He thought the disasters which Austria had met with proceeded in a great measure from the want of fortifications; and that the extinction of Prussia was owing to her not having properly provided for defence the fortresses she had; and that it was not so much the loss of the battle of Friedland, as the want of strong places to stop the victorious enemy, that obliged the emperor of Russia to sign a most disgraceful peace. The fortifications which he would recommend, would greatly contribute to the defensive strength of the country, without menacing its liberties, which last was the dread objection that our ancestors had to large standing armies. After dwelling, at some length, on these topics, he concluded by strongly recommending to ministers to adopt every possible means of strengthening the national defence now, while there was time to do so, and not to put those measures off, until the danger should be more imminent.

Lord *Castlereagh* expressed great obligations to his right hon. friend for the manner in which he had stated his opinions; and declared his willingness to give every explanation that his duty would allow him, respecting the measures taken for the defence of the country. He agreed with his right hon. friend, that it would be a great fault in ministers to endeavour to lull the country into a false sense of security. He allowed that the danger was great, although perhaps not immediate. There was certainly danger enough stirring abroad, to make it necessary for the country to consider anxiously of the best means for its defence. If, on the one hand, he would not wish the country to entertain a false idea of its security, on the other hand, he thought it was but fair and right that it should know what had already been done by its government, to promote that security. In the first place, there was a number of regulars and militia, equal to what his right hon. friend had always considered as the greatest exertion that the country could be called upon to make. He had always said, that he had never found fault with the numerical force, or with the quality of those troops; and he had confessed, that it was as large an army as was wanting, or as this country could afford to keep up. As to the deficiency in point of fortification, it would be obvious to his right hon. friend, that no country could at once so completely change its system and character, as, from a naked country, to become a strongly-fortified one. When it was considered how very low the establishment of the Ordnance was at the beginning of the late war, it was astonishing that it should have started forth from almost nothing to its present most respectable state. There was no service which required more time to bring to a state of perfection. Engineers were not to be made in a day, or by an act of parliament. As to the defence of the coast, there had been considerable exertions, in this respect. Dover, Chatham, and the whole course of the Medway, were placed in a very strong state of defence. He believed the whole line of coast from Portsmouth to the Thames might be considered in a very perfect state of defence, and much more strongly fortified than any part of the enemy's coast. The enemy were, indeed, obliged to erect many batteries on their coast, not for the purpose of repelling invasion, but to protect their coasting vessels. They had latterly made the coast very strong between Boulogne and Ostend, that their boats might creep along near the shores in security, out of the reach of our frigates. The shores of the southern district were, however, as strongly fortified as any part of the French coast, and under the former administration of lord Chatham, a system had been adopted for putting the coasts of the eastern district in a similar state of defence. This system had been suspended under the late administration, who certainly could not have been expected to adopt it, without taking time to give it the most serious consideration. A considerable deal had also been done in Ireland for the protection of the principal harbours, particularly Cork harbour and Bantry Bay. His lordship concluded with some observations on the advantages which he thought the country would derive from the Local Militia bill.

Mr. *Windham* considered, that the danger which this country was exposed to was greater than all the plans of the noble lord, even with the addition of the proposed system of fortification, would be able to meet. The question which remained between him and the noble lord, was, whether one or 200,000 men, enrolled under the Training act, and liable to be called upon in case of actual invasion, to recruit the army, was, or was not, a more effectual means for the defence of the country than the establishment of this Local Militia? He was sorry to find that ministers had not yet made up their minds upon the subject of fortifications for the internal defence of the country; but as to those works, which were projected by lord Chatham, the noble lord did justice to the late administration, in saying that they were bound in duty not to adopt such a system without the fullest consideration. There was scarcely any subject on which there was a greater contrariety of opinion; and the opinion of the general officers who were to command in the field, was of at least as much consequence as that of the engineers who were to execute the works. He complained of the noble lord, however, for weakening the military system that was handed down to him by the late administration. He had found the system of recruiting so productive and exuberant, that he doubtless thought it his duty to apply the pruning knife, and he understood the recruiting service had suffered considerably by the measures of the noble lord.

Mr. *Herbert*, of Kerry, recommended to the consideration of the noble lord the propriety of an interchange of the militias of the two countries. Such a measure would come with peculiar propriety from that noble lord, to whom Ireland had already contracted such a debt of gratitude, by his effecting the grand object of an union. Whatever might be the ultimate determination of government on the grand subject of internal defence, by fortification, it would be well worth the attention of the noble lord to consider of the most effectual means of securing the country in the time of danger. Much had been done, and yet much remained, particularly in Ireland. He had however little doubt, that under the superintendance of the noble lord nothing would be left unattempted which could prove serviceable to the public security, or honourable to the exertions of himself and his colleagues.—The bill was then read a third time, and passed.

Mr. *Windham* gave notice of a motion for the next session, probably when the Mutiny act should be before the house, the object of which would be the protection of soldiers who had entered for limited service, in consequence of the regulations of the year before last. His proposition would be to prevent such soldiers from consenting to extend their service for life, until the expiration of the engagement which they had already contracted.

[MR. PALMER'S CLAIM.] The Chancellor of the Exchequer gave notice that he would on Thursday next submit a motion to the house, the subject of which would be to found a separate bill upon the Resolution respecting Mr. Palmer's Claim, instead of incorporating it in the Appropriation act.

[CURATES RESIDENCE BILL.] On the motion of the Chancellor of the Exchequer for the third reading of this bill,

Mr. *Barham* repeated the arguments so often urged by the opposers of this measure. He considered it extremely dangerous to the interests of the Church, by granting such considerable power to the bishops, which would not fail to produce contention amongst the whole body of the clergy. The bill, moreover, was altogether inefficient to its purpose, as it was at best but a partial remedy to the great evil of non-residence, and finally he objected to the existence of the fact presumed to exist, on which this bill stood, namely, the respective values of Church establishments.

Mr. *Hawkins Browne* supported the bill, and was happy to find that the economy and guardianship of the Church had fallen into such good hands. He lamented the spirit of opposition which had so uniformly displayed itself on the other side of the house, to a measure calculated to secure the dearest interests of the Church and the comfort of all descriptions of the clergy.

Lord *Milton* dreaded the terrific influence the present bill must necessarily give the superiors of the Church over their inferiors, and the operation of this influence, through the medium of the minor clergy, upon the public mind at large.

Mr. *Tierney* thought the bill could be brought into operation only by the negligence of the rector; a supposition on which he did not think it dignified to act.

Mr. *Windham* followed on the same side: he said the bill was not content to let the Church remain 'militant here on earth,' but it wished to render it a Church 'litigant' also.

Mr. *Stephens* supported the bill as tending to cause the parochial duties to be performed by persons whose indigence would not disgrace their profession.

Dr. *Laurence* objected to the bill, that it tended to destroy the principle upon which not only ecclesiastical but property in general was founded. He was of opinion, there was no necessity for legislative interference on this subject, and that it would be better to leave the appointment of curates salaries to the diocesan. He considered it to be a great defect in the bill, that it did not apply to lay impropriators.

Mr. *Whitbread* stated, as a matter of complaint, that the bill was intended to extend to Ireland. This was contrary to the understanding which prevailed when it was referred to a committee. It was with him a very great objection to the bill that it gave a discretionary power to the bishop. The instances were so few in which the principle of the bill could be made to apply, that they were not worth legislative interference.—The house then divided on the question, that the bill be now read a third time: Ayes 73; Noes 20; Majority, 53.—While strangers were excluded, lord Porchester tendered a Clause, by way of rider, upon which another division took place: Ayes 7; Noes 61.—Majority against the Clause 54. The bill was then passed, and ordered to the Lords.

HOUSE OF LORDS.

Tuesday, June 21.

[CURATES RESIDENCE BILL.] On the first reading of the Curates Residence bill,

The Earl of *Lauderdale* rose and said, that he was determined to oppose the bill in all its stages. It was a bill which went to give the bishops an increase of discretionary power, which power they were known already to have abused; so that the present bill would only tend to enable them to extend that abuse in proportion as their power was extended.

The Bishop of *London* moved that the bill be printed. In a day or two, he should propose a day for the second reading of the bill. He should, at present, offer no observations upon what had just fallen from a noble earl, as abundant opportunities would occur of arguing the merits of the bill in its future stages.

[LOCAL MILITIA BILL.] On the motion that this bill do pass,

The Earl of *Selkirk* renewed his objection to the measure. He wished it to be confined to the age between 18 and 25; and thus it would have the effect of training the whole body of the youth of Great Britain to the use of arms. He was anxious the bill should be freed from the inconvenience and difficulties under which other measures of this nature were known by experience to be liable. Above all, he wished to abolish the ballot; with that view he should move an amendment, to omit in the preamble of the bill the words "and balloted."

Earl *Stanhope* supported the motion. He was desirous the bill should rest on the principle of the militia act, not on the principle of the modern acts. He wished it to approach in its nature to the old *posse comitatus* of that great man king Alfred: that was the true ground on which to build on a large scale the means of defending the country against invasion, the danger of which was more real than many people were disposed to imagine. Such was the kind of force most likely to make a solid and secure opposition to an invasion; not your large standing armies. Austria, Prussia, Italy, and all the old governments, which fell like ninepins before the attack of the French, had such armies; but they were not such a force as he thought should and might now be organized in this country, and on which alone it must rely for its defence and security.

Lord *Hawkesbury* observed, that the principle of the old *posse comitatus* was excellent in theory; but like most things which were very specious in theory, it was most inconvenient and insufficient in practice. What the state of the country now called for was, a force permanent in time of peace and of war; and which, by providing such permanent means of defence to co-operate with the already existing force, would provide the means of permanent resistance to a permanent danger. He therefore did not see the use of the amendment.

Lord *Sidmouth* distinguished between the plan of his noble friend (lord Selkirk) and that recommended by the noble earl. His noble friend was for so modelling the measure as to make it operate in training the whole body of the youth of the country to the use of arms. In that plan he willingly acquiesced; but if the amendment of his noble friend should be rejected, he should give his support to the present bill, as approximating next to that which he thought would best accomplish the object which government had in view, and which the nature of the times made indispensably necessary.

After a few observations from lord Radnor, lord Selkirk's amendment was negatived without a division.

The Earl of *Radnor* proposed an amendment to secure persons balloted for in the training act, from serving in the local militia. This amendment, after a few words from lord Hawkesbury and lord Stanhope, was also negatived; after which the bill was passed.

[MR. PALMER'S CLAIM.] The Order of the day being moved for the second reading of Mr. Palmer's per-céntage bill,

Lord *Eliot* rose, pursuant to notice, to call the attention of their lordships to the bill now before them. He had bestowed much attention on the nature of Mr. Palmer's Claims, and on the evidence which had been adduced for and against them. After due consideration of these points, it was his opinion that the bill ought to be rejected, and he should conclude with a motion to that effect. The noble lord then went into an examination of Mr. Palmer's contract with Mr. Pitt, which he contended had in view future as well as past services. He also asserted, that Mr. Palmer's appointment was during pleasure, and only to continue as long as his conduct deserved approbation, and his exertions were beneficial to the public. There was nothing, therefore, in the terms of the contract on which to rest the claims which Mr. Palmer now advanced. Besides, the conduct of Mr. Palmer, in several transactions, was of a complexion to merit the severest reprobation, and the forfeiture of any conditions that might have been entered into in his favour. On this head, he would refer their lordships to the evidence on the table, more particularly to that of Mr. Long, who was, from his situation at the time, best enabled to be informed of every particular connected with Mr. Palmer's contract. That evidence was far from speaking very strongly in Mr. Palmer's favour. On these grounds it was, he had thought proper to bring forward his present motion, and not from any private motive of ill-will towards Mr. Palmer. His lordship concluded with moving that the bill be rejected.

The Earl of *Moira.*—My lords; Nothing excited by any speech to which I may on former occasions have listened in this house, comes near to the degree of surprize with which I have heard the motion now offered for your adoption. It is not that my mind was unprepared for some extraordinary procedure. In a manner wholly unprecedented in parliamentary transactions, your attention was called to this subject before you could, consistently with the established principle of your own order, or without infringing your accustomed respect towards the other house, avow any knowledge that the matter was in agitation. Nay, a body of testimony received by a Committee of the Commons was requested from that house at a time when it had not come to any conclusion on the question; and a Committee of your lordships was named to open proceedings on that evidence. This seemed not merely strange; but, could one have permitted oneself to give way to the conception, might have been thought to indicate a fixed resolution of crushing the Claim of Mr. Palmer, howsoever it should be circumstanced. One resisted the suspicion, because it must have appeared to every body that this case, though not in form a judicial question, was in essence strictly so; and the nice regard of your lordships to equity forbad the indulgence of a doubt. What follows? Your Committee give to you the evidence just as they received it from the house of commons (in which state, as you well know, it is not evidence for this house), with the sole addition of a few questions put to Mr. Long; and, upon this foundation, the noble lord who took the lead in your committee recommends to you a conclusion from that evidence, diametrically opposite to that which was deduced from it by the commons; and without a hearing given to Mr. Palmer, you were moved to declare against the justice of his pretension to a stipulated participation in great advantages acknowledged to have been received and to be now enjoyed by the public through his plan. You know that, previous to the adoption of Mr. Palmer's plan, the revenue of the Post-office amounted to but about 150,000*l.* and you equally know that, in consequence of his system, it was swelled to the enormous sum of 1,200,000*l.* It is idle to attempt saying, that a part of this arises from an increased rate of postage. The noble lords, who have filled the office of Post-master General, will not contradict me when I assert, that the additional tax on letters (which was a part of Mr. Palmer's proposal to the minister) could not have been borne had it not been counterbalanced by some signal benefit to the correspondence of the country. I appeal to the official knowledge of those noble lords, whether the tardiness and insecurity of the post, on its original footing, had not induced numbers of mercantile people to send their letters in parcels by the stage coaches, in diminution of the Post-office revenue, and whether it was not a growing evil? An additional tax on letters would have been only an additional motive for this practice, had not the safety and the dispatch provided by Mr. Palmer's plan for the transmission of letters made it worth the while of the merchants (and indeed of all other descriptions) to submit to the augmented impost.—Do I say too much when I assert, that this whole transaction bears a most unfavourable colour of a concert which ought not to have taken place for such a purpose? The procedure elsewhere will explain my meaning. The honourable mover (Major Palmer), who brought forward the Claim in another place, justly alarmed by the steps which he saw taken here, naturally inferring that there was a determination to crush this Bill, and wisely measuring his own inability to struggle against such a combination, dropped his notice for the third reading of the bill, and determined not to urge the matter further at present in the house of commons. Then the chancellor of the exchequer starts up; and, without having given the least hint of what he was about to do, urges forward that bill which he had opposed in every previous stage with professed hostility; performs the function which only appertained to a supporter of the bill; passes it, and sends it up to us as sanctioned by the deliberate judgment of the house of commons. Wherefore? Because, to those who had determined to trample on the Claim, it was more desirable that sentence should be passed upon it, than that it should remain to strengthen itself by its intrinsic merit in public opinion; so it was to be expedited to us, to receive that doom which it was thought would be secured for it in this place. Flattering indeed to this house to imagine that such a question, a question of private property and personal justice, would be prejudged here! No other construction, unfortunately, can be given to these steps. How ought we to look upon those who have co-operated in such a plan? That is a point which I leave to your feelings respectively; for it is too painful for me to press.—So much, my lords, for the preliminaries. Now see upon what sort of argument the motion itself is recommended. The noble lord does not pretend to deny the original specific contract entered into by Mr. Pitt, nor does he dispute the fact, that the advantage reaped by the public from Mr. Palmer's plan has gone far beyond what had been contemplated; but he gives you a choice of two solutions to do away the inference from his admission. In the first place, he tells you that though it was Mr. Pitt's intention to grant those conditions, they were found irreconcileable to the Post-office Act; therefore, Mr. Palmer accepted a lower per-centage and a place, both to be held at the pleasure of the minister. Mr. Palmer's invariable assertion to the contrary, and his loud reclamation against Mr. Pitt's subsequent conversion of the terms into an annuity of 3,000*l.* is intitled to at least as much weight, as the loose supposition now offered to you. Must it not, however, strike every one as the grossest of absurdities in Mr. Palmer, that he should gratuitously waive a benefit assured to him for life, in order, without any additional or compensatory boon, to rest upon the will of whosoever might be minister? This, too, when he knew the irritation of all the old servants of the Post-office against him, for his pretension of managing a branch of their duty better than they had devised means of doing. The point, however, is clear from that very evidence on which the noble lord thinks he can be borne out to another conclusion. That Mr. Palmer might be entitled to interfere at the Post-office, it was necessary he should have a place under the Post-master General; a place, we will allow, on the tenure of good behaviour; and a calculated portion equal to the salary of the place was to be deducted from the per-centage. Now, who does not see that in reason and justice this deduction could only be understood for as long as he should hold the place? Remove him, and you return to the original contract. That contract, it is now said, was not admitted by Mr. Pitt. The contract, my lords, cannot be denied. It stands in clear written proof before you. Nothing but assumptions, assumptions of the most extravagant nature, appear against it; and that Mr. Pitt should have thought himself at liberty to impose arbitrarily upon Mr. Palmer a substitute for the conditions (having secured, on the other hand, all the increase to the revenue and all the convenience to the public) is a matter which I lament, but upon which I shall not expatiate. I will only say, it seems as if, when the stipulated gains of Mr. Palmer came to an amount far beyond what had been expected, an apprehension arose that an improvident bargain might appear to have been made for the public; to get rid of which imputation, it was expedient to annul the bargain by the hand of power. Provident or improvident, it was a bargain; and as to the magnitude of the profit to Mr. Palmer, it could only be proportional to the augmented convenience of the public. But the noble lord then resorts to his other ground; and he tells you, that whatsoever the conditions might have been, they were forfeited by Mr. Palmer's misconduct in the office; of which misconduct the noble lord has been pleased to indicate particulars. I have already resisted the position that any alteration in the engagement could be affected by Mr. Palmer's behaviour in office, other than that if he misconducted himself, he was no longer to have the superintendence of that concern on the good or on the bad management of which his gains were mamaterially to depend. It was scourge enough over Mr. Palmer, that the business might be left to persons, who, having asserted that the scheme never could succeed, were piqued in vanity to defeat his hopes as well as those of the public; and in this circumstance lies the explanation of the necessity for Mr. Palmer's being in the Post-office at all. But see what is urged against this gentleman. Letters written in the carelessness of confidence to his deputy are produced to prove the insolence of Mr. Palmer towards the Post-master General, and Mr. Palmer's connivance at frauds. With respect to the first, it is never to be forgotten, that Mr. Palmer conceived himself, though ostensibly under the Post-master General, to be substantially independent of any one but Mr. Pitt; but, as this seems not to have been explained by the Treasury to the Post-master General, there were constant jealousies of intrusion on the one hand, and of contumacy on the other. I am not palliating the tone of Mr. Palmer's letters, because I have no doubt but that he would be the first now to condemn their stile, though they were addressed to one on whom he had such reliance that the sentiments seemed not to go beyond his own breast; but I positively deny that the shadow of an impeachment against Mr. Palmer's integrity can be drawn from those letters or from the transactions to which they refer. The noble lord, without sufficient consideration of the nature of the evidence, directly charges Mr. Palmer with having been privy to the fabrication of false vouchers. How does the case really stand? In the outset of the business, before any thing had got into its regular course, Mr. Bonnor, the deputy, advances a sum of money to one of the persons employed in travelling to establish the line for the mail coaches. That man loses his accounts of the expenditure. Mr. Bonnor cannot recover the sum from the office without detailing the articles of charge. He applies, in a letter now before you (see p. 199), to Mr. Palmer, stating the hardship of not being repaid money *bonâ fide* laid out in the public service. Mr. Palmer directs Mr. Hasker, another gentleman of the Post-office, to sit down with Mr. Bonnor and calculate what might equitably be supposed the expences of the man measured by those journies which there was proof he had performed, and by the disbursements which the establishments effected by him must have required. The account so made out Mr. Palmer passed. Was this done in secret? Why, then, should Mr. Hasker, a clerk in the office, have been called in? Was there turpitude in the transaction? With whom then did it originate? the deputy. Who was to be the loser if the account should not be made up? the deputy. Who furnished the whole statement of facts? the deputy. Yet an accusation made a long time after to the Postmaster General by that deputy, in consequence of his having quarrelled with his principal, of an account's having been so incorrectly made up, is received from that person who did reap advantage from the business, as decisive testimony against the probity of Mr. Palmer, who could not draw a possible benefit from the transaction! But, says the noble lord, the consciousness of impropriety is evident from Mr. Palmer's own expression in one of the letters, that this was the most aukward account he had laid before the board. Who, upon a moment's reflection, (which I am sorry the noble lord did not give to it), but must perceive, that this phrase was a just reprehension, though gently conveyed, to the inattention of his deputy. And did the Post-master General, prejudiced avowedly against Mr. Palmer, ever put such a construction upon that letter? I say he could not have done it. If he had, he must have regarded the whole transaction as fraudulent. Did he so? There is direct proof against the fact: for lord Walsingham in the evidence acquits Mr. Palmer of having any private interest of his own in making up this account. Had the transaction been fraudulent, all the parties concerned in it must have been subjected to the deserved reprobation of the Post Master General. Yet Mr. Hasker, one of those who made up the account, was so far from being censured, that he has since been promoted to a situation of much greater trust and emolument. He has been, I doubt not, becomingly so promoted; for, I repeat, there was not any thing in the business to excite even a transient suspicion of malversation. Then it is said, that Mr. Palmer desires his deputy to pass an account which he at the same time describes as a shameful imposition. Good heaven! would not one suppose that the noble lord reckoned upon our never having read the documents from which he reasons; or, what is more probable, that he never read them himself. What is it that Mr. Palmer consents shall be paid? A debt intailed by the Post Master General through an unfitting interference with Mr. Palmer's contracts; a debt which could not attach on Mr. Palmer; a debt which Mr. Palmer had but to refuse sanctioning, if he wanted to expose and distress the Post Master General whom he is represented as treating with such hostility. When I speak of the Post Master General (lord Walsingham), it is with the sentiment which every man who knows him must entertain of him; with the truest respect for his private virtues, and with the obligation which I must feel in common with every other of your lordships, for the indefatigable exertions of that noble lord in the committees of this house; exertions so important for the security of the rights and properties of individuals as to entitle the noble lord to the gratitude of the country for the manner in which he discharges his functions. That noble lord I am confident, naturally incensed as he has been at the language held by Mr. Palmer, never for a moment thought of putting on this matter a construction different from what I have given to it, or would have wished a hesitation about the payment. The truth was, that, although the contractor overreached the Post Master-General as to the quantum of compensation, there had been a regular bargain; and the good faith of government was pledged to the punctual performance of its part. Is it too much to ask, that in another bargain evidently as clear and precise, the same principle should be observed? I speak of Mr. Palmer's contract. If it, no more than the other, was not reduced to a strict written agreement, does it become the British government to quibble like Shylock, and say "it cannot find the condition in the Bond?" Does any body question the original terms? Does any body, unless upon assumptions which violate common sense, urge that there was a subsequent alteration of these conditions? Mr. Long, indeed, is called before the committee to give his opinion of what was Mr. Pitt's conception of the engagement. What a strange sort of evidence! But, independent of the inadmissibility of any thing so loose as an opinion upon what was another man's opinion, I would object to Mr. Long on this occasion, as a person who could not be impartial. He stands professedly interested to vindicate the character of Mr. Pitt from having made an improvident bargain. I do not admit it to have been an improvident bargain; but had it been ever so much so, I say the testimony of Mr. Long cannot counteract the intrinsic evidence of the case. Mr. Long is a man of the highest honour, and would not say that which he did not most strictly think. He gives you, however, nothing but his suppositions; and I have stated that his anxiety for the reputation of his deceased friend must biass them. He does not state himself to have been privy to the transaction; and how should he, when he was not in office at the time of the contract, and therefore, could at best but speak to the after-thought of Mr. Pitt? Why did not you examine the reverend Prelate (the bishop of Lincoln) who was then Mr. Pitt's secretary, or the president of the council (earl Camden), whose non-attendance on this question I cannot but remark and most pointedly regret? You knew that the business passed through their hands; did you fear that their answers would not be favourable? Why did you not demand of Mr. Palmer himself explanations where any were wanting? You will say, that he was a party and inadmissible. Then so was Mr. Pitt, equally no less interested by his pride than Mr. Palmer was in his profit, similarly to be rejected as a witness if you go upon that principle, but most of all to be rejected if his testimony is to be given through Mr. Long. I repeat, then, that Mr. Long's evidence is nothing. Yet, and I intreat you to observe this, the gaining this opinion from him was thought of so much importance as to make it for that alone necessary to call him before the Committee of this house. Why was not the evidence which he gave before the Committee of the house of commons deemed sufficient, as well as the rest of the documents? Why? because this opinion was not contained in it; and it was necessary to seek it by a leading question in the committee of this house; and that is the single new light attempted to be acquired by the personal examination of Mr. Long. In short, a colour, howsoever slight, was thought quite sufficient for what was to be managed here.—My lords; in the whole of this business there is the most unfavourable appearance of combination. Ministers appear to have been galled by a defeat in the other house. They have even acknowledged their vexation, and have extravagantly taxed the decision as the result of party management against them. What of party is there in such a question; what of management? The question was not carried by surprize. Never, perhaps, was a subject so thoroughly debated before. If I am not misinformed, there were nine discussions, and five divisions on this matter in the house of commons, in all of which Mr. Palmer's Claim was declared by unprecedented majorities. It was the triumph of honest feeling and a clear sense of justice over the most powerful influence. I do not bid you seek examples elsewhere. This house has been honoured, and justly honoured, by the public, for the equity with which it has always protected the interests of individuals. The appearances on this occasion are quite novel, and they are also quite intelligible. I will only say upon them that, if for the calamity of the country a means were to be devised for lowering the house of lords in general estimation, nothing could be more effectual than that there should be on a question of justice such a display of preparation as has now taken place, and that the management should prove successful.—For my own part, totally unconnected with Mr. Palmer, my support is influenced by no other motive than the merits of his Claims: for I declare to noble lords, that I never in my life stood forward in defence of a measure in which I was so strongly convinced of the justice of its basis, or felt a greater desire to see that justice done. If the noble baron had studied the evidence with the same attention that I have done, I am satisfied he must, of necessity, have come to the same conclusion. Great injustice has been done to Mr. Palmer, in the manner in which the bill has been brought forward. Your lordships have not the whole of the case before you, and consequently have not the means of coming to an impartial decision upon it. To afford you that opportunity, I shall move that your lordships do now adjourn. By adopting this motion, you will avoid coming to a decision upon the question, and leave the principle of the bill open to future discussion.

Lord *Harrowby* felt himself perfectly willing to allow, that a positive bargain had been made in the first instance between government and Mr. Palmer, and he thought that no imputation of unfairness ought to rest upon ministers for not calling upon lord Camden and the bishop of Lincoln for their evidence, since all they could possibly relate would only confirm what there was no intention of disputing, namely, the actual existence of the contract; but though he fully admitted that this bargain had been originally concluded, still he must express himself decidedly of opinion, that the subsequent conduct of Mr. Palmer in office, and his acceptance of 3,000*l.* per annum, must be considered as a forfeiture of his claims upon government, and an implied acknowledgment upon his part, that such forfeiture had been justly incurred, and that he assented to the measures afterwards adopted. Indeed, the noble lord said he must consider Mr. Palmer in the present instance to have submitted too hastily to the undigested advice of his friends when he consented to the revision of these claims. It would have been more politic, in all respects, to have suffered them to rest quietly in the state to which former arrangements had reduced them. There were many objections to the further progress of this bill; but, did there exist no other than respect for the memory of that illustrious statesman (Mr. Pitt) by whom this question had been previously disposed of, the noble lord said, he should feel himself bound to oppose this bill.—The noble lord then proceeded to comment very largely upon the printed evidence, and contended that Mr. Palmer had forfeited all pretension to the original bargain, and that, by his acceptance of the 3,000*l.* a year, he had yielded up his Claim. Upon a mature consideration of the case, therefore, he could not, consistently with his duty, or the respect he owed the character of Mr. Pitt, act otherwise than oppose any further entertainment of this bill.

Lord *Erskine*.—I shall not attempt to say that all the minutiæ of the Evidence of this elaborate case are now fresh in my memory, but, my lords, here is the Opinion given by me in my professional capacity some years since; and thus far I will say, that this Opinion was formed and delivered upon the most strict investigation, and the most serious and patient consideration; and I will pledge my honour as a peer, and my character as a lawyer, on the soundness of its basis and the correctness of its doctrine. And I am the more convinced of its justice when I see subscribed to it the names of such great men, that I hardly dare name myself in comparison. My lords, here is the opinion of my lord Mansfield, one of the judges. And I most solemnly declare that I wish Mr. Palmer might stand or fall by the opinion of the other eleven. I am confident that very few of the noble lords, who oppose this bill, know any of the facts relating to its merits, and I almost fear that they have been prejudiced and are determined to act according to the dictates of that prejudice: I do, therefore, conjure the noble lords not to treat a measure of such consequence as this is, with so much injustice, as to declare their opinion without knowing what the materials are on which it should be built. For though it looks very well to see noble lords coming to the house with blue books [the Evidence printed was bound in blue] under their arms, yet it is not the having the books under their arms that will convey the contents to their heads. How should their lordships be conversant with a mass of papers which they have scarcely had time to open? For myself, I have not yet received it, and the only notice that has been given me, has been by a Circular Letter from the honourable mover of this Claim in the other house, entreating me, in common with the rest of your lordships, not to decide upon this case, without understanding its merits and reading the whole of the Evidence laid before me. Can any noble lord reconcile it to his conscience to turn a deaf ear to such an appeal to his justice and liberality? I shall therefore certainly support the motion of adjournment. Mr. Palmer is accused of misconduct in his official situation. Now, where is the evidence to support such a charge? There is not one tittle to justify even a supposition of such a nature: on the contrary, the whole of the Evidence proves Mr. Palmer's conduct throughout, to have been that of an honest man.—Some of the noble lords say that Mr. Palmer, by accepting the 3,000*l.* per annum, gave up his claim to the original stipulations. Now, that Mr. Palmer never considered it in that light is indisputably proved by the Evidence and his letter written at the time to a noble lord (earl Camden.) And from Mr. Pitt's own conduct, it is evident he never considered the Claim to the benefits of the Contract as waved by the acceptance of the 3,000*l.* a year, Mr. Palmer was obliged to accept this allowance in the year 1793; and in 1797 he applied to Mr. Pitt to have a committee appointed to investigate his case. Why, then, if Mr. Pitt had considered the original agreement as cancelled by Mr. Palmer's acceptance in 1793, would he not have said, upon this application in 1797, "Why, good God, sir! what do you mean? You gave up all your pretensions to my bargain, by your acceptance of 3,000*l.* a year in 1793."—Did Mr. Pitt say so? No, he granted the request: then, it is evident, that he considered the case as Mr. Palmer and every one else did. Although by the law laid down in the case of "Wilkinson against the Commissioners of the Navy" it was decided, that those who acted merely as the servants of the executive government were not personally bound by their engagements, but that the performance depended entirely upon their own honour and good faith, yet for the honour of our government those contracts have ever been held sacred and inviolate; whenever it was necessary to decide upon a bargain of such a nature, when disputed, the circumstances were not stifled, as in this case, but it is the constant practice of all Public Boards to come to issue upon the facts, and thereby give cognizance to courts of justice. Why, then, do not the noble lords send Mr. Palmer's Claims to a similar tribunal, and let him have justice done him by a jury of his countrymen? This is all he desires, but this he is refused! And for what reason? Why, the whole world must see that his majesty's ministers know the weakness of their defence, and therefore take upon themselves the disposal of it, lest they should be exposed if they were sent elsewhere?—The bargain has, upon Mr. Palmer's part, been most honourably fulfilled: the government alone has failed, and if the noble lords thus attempt to get rid of a measure which they are afraid to investigate, they commit an act as unjust as it is impolitic.

Lord *Walsingham* observed, that he held the situation of Post-master General at the time of Mr. Palmer's suspension from the Post-office, and that the cause of such suspension was the contumacy and insubordination of Mr. Palmer. He was of opinion, that Mr. Palmer's conduct while in office was extremely reprehensible, and that the pension he at present enjoyed was fully adequate to the services he had rendered.

The *Lord Chancellor* entered into a detail of the circumstances of Mr. Palmer's appointment and dismissal from office, and contended, that while he continued to be the servant of the public it could not be contended but that he was entitled to remuneration for his services; but having been dismissed from that service, in his judgment, he was no longer entitled to claim that remuneration under the agreement in question. With respect to the Opinions of the chief justice of the Common Pleas, and of the attorney general and others, which had been handed about, and stated as favourable to Mr. Palmer's claim, he considered that these were nothing more than assumed opinions upon unascertained facts. Upon the whole, therefore, his lordship thought the bill was of a nature totally new in parliamentary history, and such as that house could not consistently maintain.

Lord *Stanhope* having called the attention of the house to the real question before them, said, he should agree to the adjournment of the debate, because he wanted more information upon it. The noble and learned lord on the woolsack had attacked the opinions of the lord chief justice of the Common Pleas, the attorney general, and other learned persons of great weight in this country, with more virulence and asperity than even he himself had ever done when he was accused of libelling the Judges, and charged with calling one a great blockhead. He was, however, as happy in being forced to defend the Judges as he should be in defending the Bishops on some future occasion. His decided wish was to submit a question or two to the Judges for their opinion, before the matter should be finally decided. Without, therefore, giving any opinion of his own at present upon this case, he could not see how justice could be done to the individual on the one hand, or to the public on the other, without first having the Opinion of the Judges upon the subject; for these reasons he supported the motion of adjournment.

The Earl of *Radnor* observed, that as the merits of Mr. Palmer's plan had been so clearly pointed out by noble lords who spoke early in the debate, he would not detain the house by insisting further upon that which appeared to be universally admitted. With respect to the bill under discussion, he had to observe, that the sum claimed by Mr. Palmer did not amount to a fortieth part of those emoluments which had accrued to the country confessedly through the medium of his genius and ability: and, really, in the face of a fact like this, he could not comprehend how the Claim of Mr. Palmer could be resisted upon the ground of his unworthiness. Much had been said respecting the misconduct of Mr. Palmer, but he would ask, to what did it amount? Did it in the smallest degree throw any impeachment upon his honesty? So far from it, that the noble lords who suspended him, declare in their evidence before us, that they never had the slightest reason to doubt his personal integrity. If the noble lords conceived that Mr. Palmer had acted with contumacy and disobedience towards them, they were certainly justified in discharging him; but that dismission had nothing whatever to do with the Agreement before the house, which related simply to the price which the government had stipulated to pay Mr. Palmer for his Plan. This Agreement was admitted; and whatever quarrel had afterwards arisen could not possibly justify the government in retaining the plan, and paying the projector any price they might find convenient to set upon it. No misconduct of his could bear them out in a breach of contract such as this; and he was decidedly of opinion that Mr. Palmer held his right by so incontestable a tenure, that had he even been convicted of felony, the government would still have been bound either to have paid the price they had originally agreed for, or, on failure of that, to have relinquished the benefits of the plan.

Lord *Redesdale* opposed the motion, and after going over many of the circumstances of the case to prove that Mr. Palmer had no just ground of claim, declared that it concerned the dignity of the house that the bill should be got rid of as speedily as possible.

The house then divided on lord Moira's amendment.—Contents, 10; Non-Contents, 34.—The original question, That the bill be rejected, was then put, and agreed to without a division.

HOUSE OF COMMONS.

Tuesday, June 21.

[West Indies.] Mr. *Eden* enquired, whether it was the intention of his majesty's ministers to found, on the report of the committee on the state of the West India trade, any measure except that of the distillation from sugar that had been already before the house.

The *Chancellor of the Exchequer* replied, that the Distillation bill was not the only measure calculated to relieve the West India merchant. The lowering of the duties on coffee, and the increase of the duties on brandy, would have a similar tendency. It was not in the contemplation of his majesty's ministers to propose any other measure on the subject.

Mr. *Barham* then gave notice of a motion on Thursday, respecting the state of the West India commerce.

[Scotch Judicature Bill.] The house went into the further consideration of the Scotch judicature bill. The bill being recommitted, Mr. Horner objected to the clause enacting that no appeals should be permitted from the interlocutory judgments of the Court of Session, without the consent of the Court of Ordinancy. In this opinion he was supported by Mr. Abercromby and sir S. Romilly; and opposed by the Lord Advocate of Scotland, the Solicitor General for Scotland, and the Chancellor of the Exchequer. After a long conversation, sir S. Romilly proposed an amendment to the clause enacting that appeals should not be permitted, in the following words: "except where there is a difference of opinion among the judges." The Solicitor General opposed the amendment, but after some further conversation between sir S. Romilly, the Solicitor General, and the Lord Advocate of Scotland, it was agreed to.—Mr. Horner objected to that part of the clause which allowed an appeal where an interlocutory judgment might become final, and moved that that part of the clause should be expunged. After a few words from the Lord Advocate of Scotland and Mr. Abercromby, the words were expunged.—Mr. Horner next proposed, that the commissioners for inquiring into the regulations and the proceedings of the courts in Scotland, and reporting how far they might admit of the introduction of the trial by jury in civil causes in Scotland, should be appointed by parliament, and not by the crown, and that they should report to the houses of parliament. This amendment was opposed by the Lord Advocate of Scotland, the Chancellor of the Exchequer, and the Solicitor General for Scotland; and was supported by Mr. Whitbread and Mr. Tierney, when a division took place in the committee: For the amendment 12; Against it 44. Majority 32.—The report was ordered to be received to-morrow.

[Assessed Taxes Bill.] The house went into a committee on the Assessed Taxes bill. Several new clauses were proposed, and several amendments of omission and insertion made. Mr. Wardell, as a check upon vexatious surcharges, moved that the inspector should state the grounds of the surcharge in the certificate, so as to enable the party to come prepared to meet it. Various cases of vexatious surcharge were stated from both sides of the house, the necessity of some specification was allowed, and an amendment calculated to answer the purpose, was agreed to. The hon. gent. also suggested that persons surcharged should be required to answer on oath only to the particular object of the surcharge, and not generally to swear to the correctness of the original return in every point. After some explanation, the Chancellor of the Exchequer expressed his intention to take this case into consideration, and to apply such remedy as the case should require.—Another amendment was proposed by Mr. Wardell, for reducing the excessive penalty of 500*l.* on vexatious surcharges, to a more reasonable and practicable amount of fine, and for having that amount levied directly by the commissioners, instead of making it the ground of a tedious suit at law. On the suggestion of the Chancellor of the Exchequer, the penalty was fixed at 100*l.* On the other part of the clause the amendment was withdrawn, on the suggestion of Mr. W. Smith, who proposed the postponement of the clause, to afford time for considering an adequate remedy. The question being put on Mr. Smith's motion, a division took place: For the postponement 21; Against it 63. Majority 42.—On a proposition of the Chancellor of the Exchequer to appoint special commissioners or inspectors general to superintend the decisions of appeals, with a salary of 600*l.* a year, with travelling expences and allowances for clerks, &c. a discussion arose, some thinking the appointment unnecessary. Upon a division the numbers were: Ayes 58; Noes 15. Majority 43.

The other clauses were then agreed to, and some new clauses were added.

HOUSE OF LORDS.

Wednesday, June 22.

[CURATES' RESIDENCE BILL.] The Duke of Rutland presented a petition from certain of the clergy of Leicestershire, against the provisions of the Curates' bill; and lord Brownlow presented a similar petition on the part of the clergy of Lincolnshire.—Ordered to lie upon the table.

The Earl of *Lauderdale* renewed his objections against the bill. It was a bill of the utmost consequence, both as it affected property and the established church; and above all, as it went to extend the power of the bishops, who already possessed too much. It was, moreover, brought into the house at so late a period of the session, that it was impossible to give it a full and minute consideration. It was yet only read the first time.

Lord *Holland* perfectly coincided in the observations of his noble friend.

The Archbishop of *Canterbury* observed that the prints of the bill were not yet on the table; but when they were, and he hoped it would be to-morrow, he should then, for then only would it be regular, move that the bill be read a second time on Friday.

The Earl of *Lauderdale* complained of the shortness of the notice, and again entered more fully into the mischievous consequences of the increased power which it would confer on the bishops; only one of whom, he believed, would be found to have the spirit to oppose it.

Lord *Harrowby* called the noble lord to order, as allowing himself to degenerate into personalities.

The Earl of *Lauderdale* denied that he was out of order; and said, that he should take the next opportunity afforded him of proving that he meant nothing personal to the most reverend prelate who had spoken on the present occasion.

[BANK OF IRELAND.] The order of the day was then moved, for the house to resolve itself into a committee on the bill for renewing the charter of the Bank of Ireland, and lord Grenville, who was to have made a motion on the subject, not being present, a conversation ensued between the lord chancellor, lords Holland and Stanhope, respecting the propriety of discharging, or passing over, the order of the day, when

Lord *Grenville* entered the house, and soon after rose to make his motion; but first presented a petition from the catholic merchants and bankers of the city of Dublin, praying that they might not be excluded from acting as directors and governors of the Irish Bank; which petition was ordered to lie on the table. The noble lord then began by apologising for the delay which he had unintentionally been the cause of, and proceeded to open the proposition which he should have the honour of submitting to their lordships. He begged leave, in the first place, to observe that the house was going to legislate on a matter respecting which they were wholly in the dark; the charter which they were going to renew, not so much as being before them, nor even the terms upon which government were prepared to grant the favour of that renewal. The charter was to be renewed for above twenty years, and what was the return to be made to government for the concession? The bank of Ireland was to lend one million and a half to government, at a higher interest than government borrowed money at in this country; and the bank was, moreover, to manage the public debt of Ireland. Now, what was the expence of managing that debt? It appeared from official documents, that it did not amount to 8,000*l.* per annum; so that, for the sum of 8,000*l.* government granted that to the bank which he was confident that many private individuals would advance ten times the sum for. The bargain, therefore, was, in the first place, most improvident for the country. He should next proceed to consider more immediately the question to which he was anxious to call the attention of their lordships. It was a question by no means of the magnitude of the question of the Catholic Claims; nor was it, in his mind, at all connected with the grounds and reasons upon which that great question was professed to be opposed. On a reconsideration of these grounds, he might for a moment bring himself to say that they were just, liberal, and politic, when compared with the reasons for which the claim he was now going to make in the name of the catholics, was to be resisted. On the general question it was said, that by granting the higher claims of the catholics, you would confer upon them a degree of political power which might be incompatible with the security of the constitution in church and state. But by allowing them to act as directors of the Bank, you gave them no degree of political power; for it was not with the bank of Ireland as with that of England: the bank of Ireland had no connection with government as the bank of England had. Besides, not only different sects, but men of different religions were admitted as directors of the bank of England. In Ireland, however, you would exclude those from that distinction, who formed the larger portion of the monied interest of Ireland, and who possessed the greater share of the commercial capital of Ireland. You thus deprived them of the means of managing their own property, than which nothing could be more unreasonable; you so far discourage them from entrusting their property to the Irish funds—than which nothing could be more unwise and impolitic. There was no point of view under which it was possible to consider such an exclusion, in which it must not appear to every unprejudiced mind, illiberal, unjust, ungrateful, and impolitic. These, he trusted, would be sufficiently powerful motives with their lordships to induce them to concur in the motion, which he should now submit to their consideration. The noble lord then concluded, with moving, That it be an instruction to the committee upon the bill, that they do make distinct provision for admitting the catholics to hold and exercise the offices of director and governor of the bank of Ireland.

Lord *Hawkesbury* opposed the motion, on the grounds he had already so often insisted upon. It had already abundantly appeared to be the sense of government, and of parliament, to make no further concessions to the catholics of Ireland at the present moment. Indeed, he would go so far as again to repeat, that he should make his stand on the law as it stood at the union. What had been conceded up to that period he was ready to abide by; any thing further he would oppose. No man could deny that admission to the office of bank directors must confer influence, which influence would generate political power. If, therefore, parliament was wise in opposing claims of higher and more extended power, they would act with equal wisdom in opposing the present claim, which, if granted, must have the tendency it was the desire and determination of parliament to counteract; for these reasons, he must oppose the motion.

Lord *Erskine* contended that their lordships, by refusing the proposition of his noble friend, would violate the spirit and meaning of the act of 1793. By that statute it was particularly provided, that all Catholics might be elected to the offices of every lay corporation, any statute or bye law to the contrary notwithstanding, excepting the University of Dublin. His lordship argued, that at the time the statute was framed, the legislature must have had in their contemplation charters also; but by their omitting to mention that word, in his opinion (he might be wrong), Catholics could not be admitted under the old charter to the different offices of the Bank of Ireland. But the very reason, he urged, was, that the legislature had not extended this right to Catholic proprietors of the Bank, under the old charter, because the charter having already been granted before that act of parliament, it was not consistent for the legislature, nor agreeable to Magna Charta, that they should alter or destroy a charter which they had already granted. If any man would seriously attend to the preamble of this act of 1793, he would find that it was undoubtedly the intention of parliament, to do that which was now requested by his noble friend. And when he considered, that at the time of the union, the Catholics possessed every right which could appertain to them by this act of parliament, he must say it would now be a violation of such rights, on the part of the legislature, if they did not adopt a clause of this description. With respect to Catholic Emancipation, he might possibly be misunderstood; it had been said, that his conduct, upon a late occasion, was inconsistent with the opinions which he had formerly delivered upon this subject. But he would defy any man to fix upon him the stain of inconsistency. His conduct now was exactly the same with that he had pursued upon all former occasions. The Catholic Question was one upon which he had not made up his mind—it was one concerning which he did not possess that information which his noble friends did; for in the course of his attending the other house, he did not recollect that he was once present at the discussion of the Catholic claims. With this view of the subject, it was now, and always had been, his opinion, that their claims should be examined into, in order that he might see, before he voted one way or the other, how far it might be beneficial that their requests should be complied with. It was on these grounds that he had voted with his noble friend that a committee should be appointed to examine into the prayer of their Petition. But had his noble friend, or any other noble lord, proposed that these concessions should be granted without inquiry, he should have refused his assent. It might be wrong, but at the same time, he must allow he did entertain a prejudice against the Catholic religion. Of all the obstacles he could imagine, he knew of none more injurious to the progress of Christianity than popery; but it was now no more; fortunately it had sunk from its extensive sway over the dispositions of mankind. It had been long combated by human endeavour, and what the wisdom and genius of ages could not effect, was at last brought about, apparently by the interposition of God's providence. He considered the Catholic claims, at this time in particular, as demanding our most earnest regard; and if it should be found right to grant them these privileges, it would better become us to do so, when we could perform it as an act of generosity. This country, in his opinion, was never in so perilous a situation; there might be a calm now, but we should do well to consider that it might be succeeded by a dreadful storm. If we looked at the conduct of Bonaparte towards Spain, it must raise the horror of every man who had a spark of feeling for his fellow creatures. If we considered his most atrocious and infernal treatment of the Spaniards, we might think that even the vengeance of Heaven must speedily overtake him. But he was induced to believe that his vicious career might be permitted to go on, and it would become us, by every means, to unite and conciliate our fellow subjects at home, in order that we might be better able to meet the worst and be supplied with every necessary defence.

Lord *Harrowby* began by saying, that although he could not presume to follow the noble and learned lord through his legal opinions, he could not refrain from remarking, what appeared to an unlearned man something like a contradiction. He had stated that the bank direction was not opened, nor meant to be opened, to the catholics by the act of 1793, and had nevertheless agreed that refusing to open it to them now would be a breach of public faith. How did he explain this? Why, he asserted that the only possible ground upon which the parliament of 1793 could have omitted to open it, must have been the persuasion that it could not have been opened without a violation of the Bank charter then subsisting. Upon this point, with all due respect for the legal opinion of the noble and learned lord, he was inclined rather to bow to the legal opinion of the noble lord on the woolsack, who asserted that parliament might at that time, during the old charter, and might at any future time, during the prolongation of the charter, remove the restriction upon the admission of catholics, without any violation of the contract; and he was confirmed in this opinion by recollecting what parliament had frequently done with respect to other charters, and particularly to the charter of the East India company. It being, then, far from clear that this opinion was the only ground upon which parliament had not given this privilege in 1793, it remained at least as probable that it was not then given, because parliament did not then intend to give it; and there was an end at once to the supposition of any breach of faith in refusing it now.—The noble lord then stated, that in the shape in which the question was brought before their lordships by his noble friend (lord Grenville), it was impossible to consider the proposal in any other light than as the grant of a privilege of which the catholics were not now possessed, and they were driven to discuss, upon that supposition, the expediency of granting it. Before he gave his reasons against granting it, he begged leave to state, that if it should turn out, upon a legal discussion, that it had been already granted, he should be as decidedly adverse to the revocation of it, as he was, under the present circumstances, to confer it. He wished not only that no privilege should be refused which the Catholics could, by any fair construction of the law, be now stated to possess, but that every act which had been passed in their favour should not merely stand as a dead letter on the statute-book, but should be executed in the spirit of liberality and concession which led to its enactment. He wished also that all those differences in manners and opinions, more powerful, and more nearly affecting the comfort of mankind, than laws themselves, might day by day be softened down, till they at length entirely vanished. Much must depend upon the conciliating conduct of the government, and of the protestant gentry of Ireland; and he knew of nothing which appeared more clearly and obviously their duty than a strict adherence to this line of conduct, in every instance where it was compatible with justice to the protestant interest, whose uniform and distinguished loyalty ought neither to be abandoned nor discountenanced. More, however, must depend upon the conduct of the catholics themselves; and it was well worthy of their consideration, how far a continual repetition of their claims, without any new ground of argument or expediency, and without giving time for the change of those opinions, or, if you please, allaying those prejudices, which were adverse to their claims, did not in fact pledge their opponents deeper and deeper at every discussion, and remove to a more distant period the accomplishment of their wishes. This matter stood now upon a very different footing from what it did when the question was only respecting the repeal of the penal and disabling statutes. In that repeal it was not necessary for the government to consult the temper of its protestant subjects. No man could have a right to complain that he had no longer the power of injuring and persecuting his brethren. The law once passed, the business was at rest. But with respect to eligibility to office, it was far otherwise. If the legal eligibility had no practical effect, where was the benefit to the catholics. If it had, before those feelings which the unfortunate situation of Ireland had naturally generated were softened down and worn away, the protestant would see, with jealousy and distrust, official colleagues forced upon him by government; ill blood and discontent would follow, and the contest would only be transferred from the exterior to the interior. This was peculiarly a case in which the legislature, if it governed wisely, would not far outstep the temper of the people whom it governed. Concessions exceeding those which that temper was disposed to grant would produce feelings not of conciliation but irritation. It seemed to him, therefore, naturally to follow, that while the legislature was of opinion, either that no time could arrive when further concessions, to the full extent of their claims, could be granted to the catholics, or (which was the necessary and the only legitimate parliamentary inference from their votes) that that time was not the present, the legislature was bound in prudence to refuse any branch of those claims, which might furnish the means of enforcing still greater concessions, before the opinion of the country was ripe for them. The privilege of becoming directors of the bank of Ireland appeared to him to fall within this description. He was perfectly aware that many of the privileges which had been granted fell equally within it; but with respect to those we must take the law as we find it. The revocation of them would not only be an act of gross imprudence, but unless called for by the misconduct of the catholics, an act of gross injustice. There was, however, a material distinction. Those who felt most apprehensive from what had been granted, must allow, that as far as related to appointments by the crown, there was this security, that the appointments vested in that branch of the government which was essentially protestant. The power of election, whether exercised by corporations, or by the people at large, could, as the law now stands, only be exercised in favour of protestants. But suppose the bank direction to be opened (the election, it must be recollected, was in the proprietors), could the catholics, who possessed a large proportion of the commercial wealth of Ireland, be so blind to their own immediate interests (however an attention to their permanent interest might dictate a different conduct) as not to see the advantage they must derive from getting into their hands the direction of that great establishment? Would they not follow the example of the shipping interest in the East India direction, and make it an object to every catholic to become a bank proprietor for the purpose of influencing the election? Here was no check of any description whatever, from the crown, from parliament, or from the existing body of directors. The object was evident, the means of attaining it easy; the importance of the object once attained, he need not use many words to impress it upon the house. The influence of the bank of England upon the government of this country could be no secret to those who were acquainted with its history. By a singular wisdom in the choice of its directors, that influence, which, in theory, might be regarded as so dangerous, had almost uniformly been exercised in a salutary direction; had it been otherwise, the effects must have been embarrassing in the extreme; and inasmuch as they might affect the public credit, even hazardous to the public safety. He was perfectly aware, that what had been stated by his noble friend, as to the dissimilarity of the influence of the bank of England upon the government of this country, and that of the bank of Ireland upon the Irish government, was not without its weight; but the influence differed, in his opinion, not in kind but in degree. It was not to be expected that so recent an establishment should already have acquired the influence which, after the lapse of a century, was possessed by the bank of England; this might, however, soon increase. In king William's time our bank already began to be considered as a main support of the Revolution; and its weight in the last years of queen Anne, against her last administration, was severely felt; whether for the better or for the worse was not the point, the only question was as to the power, and not as to the application of it. Could it be said, however, that the bank of Ireland had no influence on the government? To whom did it apply with respect to loans? To the bank. Who negociated all the treasury bills? The bank. Who furnished notes and specie for the payment of the army? The same bank. He was not, therefore, raising a vague and extravagant alarm, when he supposed that the influence of such an establishment might have great weight with the government, in what related to Ireland; and he trusted that he was saying nothing invidious, he was sure that he meant nothing invidious, towards the catholics, when he supposed that they would avail themselves of that influence to further the attainment of objects which were in themselves legitimate, and which appeared to them, not only advantageous to their own body, but to the general prosperity of our common country. Those, therefore, who were of opinion that all ought to be done for them now, or, if not to-day, at furthest on the morrow, without regard to the feelings of the legislature and of the people, were right in pressing a concession which they must consider as a stepping-stone to more. Those who were for ever adverse to all further concession, must, on the same grounds, be most anxious to resist this. But there was a large class of persons who entertained neither of these opinions; there were those who thought that, in the fluctuating state of human affairs, it was not wise to pledge themselves to any opinion which no possible circumstances within the reach of common foresight could alter. There were persons who doubted the propriety and prudence of saying to a large body of the people, that no degree of common danger, no change in the general sentiments of the majority, no loosening of the foreign holdings of the catholics, no practical and continued proof of their gratitude for benefits received, and of their active loyalty in the defence of their country, could ever produce any amelioration of their condition; persons of this description might, with perfect consistency, maintain that they would not grant that which might tend to deprive them of their free option of granting or of withholding the remainder. Were every thing else granted, it would be absurd to withhold this; but as long as the catholics had further claims, for the attainment of which they were stated to be anxious, and to the attainment of which, on their part, the opinions of the legislature and of the country were at present adverse, it was neither invidious nor illiberal, but a mere act of common prudence, to decline placing in their hands an engine of great and indefinite power. Upon the general question, his lordship desired to be considered as giving no opinion whatever, applicable to all times and to all circumstances; he had wished to argue this motion upon grounds entirely independent of the merits of the general question; and, upon these grounds, he should give his vote against it.

The Earl of *Lauderdale* spoke in favour of the motion proposed by his noble friend. He considered several of the arguments adduced by noble lords on the opposite side, as strong reasons to induce him to approve of this clause being inserted in the present bill; particularly what had been stated concerning the great share which the Catholics possessed of the commercial wealth of Ireland.

Earl *Stanhope* observed, that by a declaration which he held in his hand, it appeared that the Catholics completely renounced all power whatever residing in foreign ecclesiastical persons. After several other observations, he concluded by giving his assent to the motion.

The Earl of *Westmoreland* opposed the motion on the general grounds that no further concessions whatever should, under the present circumstances, be granted to the catholics. He was surprised to see such motions so often brought forward by those who, when they were themselves in power, employed every exertion to deprecate and prevent such discussions. They were the real authors of any ill consequences which might arise from a refusal to accede to such claims.

Lord *Redesdale* could not but repeat his former objections to such claims. The more we were ready to grant them, the more encouragement we gave the catholics to come forward with fresh claims, and perhaps to insist upon them. The writers among the catholics of Ireland gave repeated proofs of what were their real intentions. In a book published by one of them, a Mr. M'Kenna, (with whom he believed a noble marquis opposite was on terms of intimacy), it was proposed, that provision should be made for the catholic clergy out of the property of the established church. Was there, then, no danger to be feared for our establishments?

The Marquis of *Buckingham* declared, that he had not even heard of the publication alluded to. He had been for some time past a silent observer of what passed on the subject of the catholics, but being thus alluded to, he felt it his duty to state, that he differed in every respect from the noble and learned lord as to the concessions which should be made to the catholics of Ireland. Their situation was one which he had over and over discussed and well considered, and, on the whole, he was satisfied in his own mind, that they should be admitted to an immediate and full participation of the constitution. He had witnessed a proof of the loyalty of that body while he had the honour of being lord lieutenant. He begged the attention of noble lords to the circumstance, for it was worthy of consideration under existing circumstances. The house must recollect, that twenty-six years ago, Ireland had been not only threatened with invasion, but that the French fleet had been actually off the Irish coast for the purpose of accomplishing that object. It would be granted that such a state of things was of itself highly alarming, but the danger was encreased ten fold, aye a hundred fold: and why? Because the government and the bank of that country were both actually bankrupt at that critical moment. He stated it as an undeniable fact, that there was not a single guinea in the Treasury to pay the regular force, which, by the bye, was very small, not more than four thousand. Their lordships would acknowledge that this was a trying situation; and, God knows, he felt it so under the difficulties of the time, but he was soon relieved from his pecuniary distress by the liberal and generous contribution of the Catholics of Cork, who made up the sum which government wanted. Having heard of our embarrassment, they volunteered not only their lives, but actually lent government the money, which they could not get by any other means, or from any other quarter. He thought it due to the loyalty, generosity, and fortitude of the Irish Catholics, to make this statement to his country, and to acknowledge the importance of the favour which they had conferred, for it was of such a nature as ingratitude itself could not obliterate. This, be it remembered, took place 26 years ago, and were we now to repay that body by a bill of exclusion from the direction of that which they had combated to prop and maintain? Before he entered into the question of the bank, and the propriety of admitting Catholics to be directors, he begged leave to observe, that the person at the head of the Catholics, who so nobly came forward to the relief and salvation of the Irish government, was a person dead long since, but whose memory should not be forgotten, he meant Mr. George Gould, an eminent merchant at that time. Did the Catholics shrink from their allegiance, or act a suspicious part, he would not hesitate to state it. On the contrary, if they chose to strike a dreadful blow, and one fatal to Great Britain, they might have done it; but what was their conduct? It was contained in this answer, that they prevented the regular troops from mutinying, and went themselves into the ranks to oppose the enemy. The Catholics of Ireland immediately swelled the ranks of all the volunteer corps, and in a few weeks, he should be more correct in saying a few days, they formed an army not only willing to fight, but able to conquer. The noble marquis then considered the immediate subject before their lordships, and contended that the bill would only prove a record to future times of our ingratitude, impolicy, and injustice towards Ireland.

Lord *Grenville,* in reply, observed, that no arguments had been adduced to do away the powerful facts which had been stated. When the question of Catholic Emancipation was brought forward in the Irish parliament, the Catholics were told it could be better discussed in an imperial parliament. This was held out to them to gain their consent to the union, and they were told now that they must not expect to be placed in a better situation than at the union. Was this the way to conciliate the people of Ireland? He was astonished how the noble secretary of state could reconcile such arguments as he had made use of to himself; or how it could be expected that the people of Ireland could be reconciled to them. He felt confident that the majority of the noble lords were in favour of allowing the Catholic claims, but they kept back their real sentiments. He entreated of them to come forward, and to dismantle themselves of their disguise, as the period was not far off when they would be obliged to do it. It would be like the concessions asked by America before the contest; and would any noble lord say, that at the conclusion of that contest we should not have been happy to have acquiesced in all they had asked from us in the beginning? This case was recent in the mind of every person, and he wished to warn the house against the same error, and not to withhold their favours until it became too late, as was the case with America. They should not judge of the people of Ireland by the acts of a few, but by the conduct of the mass of the people. The arguments of the noble lord (Harrowby) might answer for the year 1778, but would not answer for the present day. All that was proposed to give the Catholics of Ireland was bread by the sweat of their brow, and nothing more. The noble secretary said, give them this, and they will require more, and will become wealthy; that the house could not prevent them from: but if it did not give them what they now asked, their lordships had better take from them what they had already conceded. They could not prevent them from acquiring wealth. If they were not admitted to the privileges contained in the proposition, the bank of Ireland would be injured. They would not deposit their money where they were deprived of becoming directors, and had not the direction of their own money. There never was a time more proper to concede to the Catholics than the present, when the entire mass of the Protestants in Ireland were in favour of the concession. His lordship concluded with observing, that if the house rejected this proposition, they would refuse men of proved loyalty, high integrity, and well known respectability, a controul over their own property.

The question was then loudly called for, and the house divided:

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HOUSE OF COMMONS.

Wednesday, June 22.

[COPY-RIGHT BILL.] Mr. Villiers moved the order of the day, for the house to resolve itself into a committee, upon the bill for the further encouragement of learning in the United Kingdom of Great Britain and Ireland, by securing to the Libraries of the Universities, and other Public Libraries, Copies of all newly-printed books, and books reprinted with additions; and by further securing the copies and copyright of printed books to the authors of such books, or their assigns, for a time to be limited.

Mr. *C. Wynne* should not object to the motion, if the bill was to go into a committee, on an understanding that it was merely for filling up the blanks, in order to afford time to the public and the parties concerned to judge how far it might be desirable for their interest, that the bill should pass. He thought that the time ought to be extended within which the copyright should be preserved to the author. This time, he was of opinion, ought to be 28 years, as also, that no author should be allowed to dispose of his copyright for more than 14 years. As to the other part of the bill, requiring that a copy of each work to be published should be sent to the public libraries, the booksellers who were the largest publishers, felt it would be so injurious to their interests, that they had prepared a petition against that part of it, which he expected would be ready to present in the course of the evening. He put it therefore to the hon. gent. whether it would not be more desirable to let the bill lie over till next session, in order that all parties may have time to consider of its provisions.

Mr. *Villiers* replied, that the principle of the bill was not new, as the universities were already entitled to copies of all works that shall be published; and it could not be denied, that this circumstance was favourable to learning, as thereby students in the universities would be enabled to consult books which otherwise they would be unable to purchase. Copyrights were at present protected to the extent of 28 years in two different periods. But the consequence was, that in works requiring time to mature them, the author could not derive from them one half of the advantages that were enjoyed by the authors of the lightest productions. The object of the bill was to remedy this evil.

Mr. *Abercromby* concurred with his hon. and learned friend, in requesting the hon. mover not to press the bill at this late period of the session, because many of the booksellers of Scotland, and some of those of Ireland, whose interests would be materially affected by the bill, had not any knowledge of its provisions.

The house then resolved itself into the committee, Mr. Wharton in the chair. The blanks were filled up, and a clause introduced for extending the provisions of the bill to oriental works, after which the house resumed, and the report was immediately received, when

The *Attorney General* proposed that the bill be recommitted, and an instruction be given to the committee to divide the bill, in order that the part which provides for the protection of the authors might be passed now, and the other might lie over for consideration, though he did not think there was much weight in the objections made to that part which required that a copy of every new publication should be supplied to all libraries open to the public. This would not be a hardship to authors, because this was what was required of them by the 8th of Anne, in return for the advantage they derived from the copyright secured to them by that act.—On the question that the bill be recommitted,

Mr. *C. Wynne*, after stating his several objections to the bill, moved that the further consideration of the report be postponed until this day three months.

Lord *H. Petty* agreed in the proposition of the attorney general. He thought that the present criterion of the duration of the author's copyright was a very fallacious one; namely, the life of the author; and required much consideration. But as to the other part of the bill, which required the delivery of a copy of each work to be published, to every library open to the public, it was only to carry into effect the spirit of the act of the 8th of Anne. He therefore thought that the bill ought to be separated, in order that this latter part should be passed, whilst the more delicate and difficult part should be suffered to lie over till next session.

Sir *S. Romilly* regretted that it was now proposed to pass that part of the measure which was the most objectionable, or rather the only objectionable part of it. The system of copyright established in this country, made the public, instead of any individual, the patrons of literature; and this, with a view to independence of sentiment, and just thinking, was an inestimable advantage. It was certainly highly expedient that the libraries of the different Universities should be properly provided with books; but he was astonished that it should be proposed to lay a tax upon authors for that purpose, which the public at large did not bear. There were many works which cost 50 guineas a copy; and was it not monstrous that the authors and publishers should be taxed to the amount of 550 guineas, by being obliged to give away eleven copies? The fact was, that such works, from the expence attending them, were in no danger of being pirated, no person being able to enter into competition with them, or to deprive them of the benefit of copyright therein. It was for the interest of the public that the Universities should be supplied with books; but let that be done at the expence of the public, and not of individual authors. There were other works, however, of great sale and merit, though cheap, to which the contribution of eleven copies would be easy; but he should certainly propose, that expensive works, where the publisher was not anxious about their copyright, should be exempted from this contribution.

The *Attorney General* said, he had no objection to a clause making such a distinction.

The *Solicitor General* saw no reason for delaying any part of the bill, and contended that the bill was only a confirmation of the act of queen Anne, which had not been acted upon of late years, in consequence of a doubt being suggested in point of form, as to the efficacy of the act itself.

Mr. *Stephens* observed that the bill, as it first stood, embracing both objects, was unobjectionable. But he contended that, if it were to be divided, it would be objectionable in point of precedent, because it would separate the provision for the authors and for the universities, which had been jointly secured in former acts. He was of opinion, however, that the author had, at common law, an unlimited copyright, which was restrained by the 8th of Anne. But it appeared to him that the notoriety which would arise to works from copies being given to the universities, would be an equivalent to the author for the copies he should deliver to such institutions.

Mr. *Villiers* stated that it was with extreme reluctance he consented to the separation of the bill; but, as he could not put his opinion in opposition to the authority upon which that proposition was made, he felt inclined to accede to it; at the same time, he gave notice that, at an early period of next session, he should move for leave to bring in a bill similar to that which was now to be divided.—The bill was then ordered to be recommitted; and an instruction having been voted to the committee for dividing the bill, the house resolved into the committee.

Mr. *W. Smith* stated his objections to the further progress of this bill at this late period of the session; and therefore moved that the chairman do now leave the chair.

A short discussion then took place, in which Mr. Leycester, Dr. Laurence, the Attorney General, Mr. W. Smith, and Mr. C. Wynne, participated; after which the Attorney General declared, that upon consideration, he was inclined to think it would be better to proceed with the whole of the bill without any division, because it would certainly be desirable that the burden should be imposed by the same measure that was to confer the benefit. He hoped, therefore, that the amendment suggested by his learned friend (sir S. Romilly) would obviate the principal objections to the bill.—Mr. C. Wynne, and Mr. W. Smith, repeated their objections to proceeding further with the bill at this late period of the session, contending that it would not be decent to pass such a measure without affording an opportunity to the booksellers, particularly in Ireland, to be heard on the subject.

Mr. *Morris* contended, that the measure would not at all affect the booksellers or publishers, because it was to apply only to future publications, and those persons would in their bargains with the authors indemnify themselves for any number of copies which they might be required under this act to deliver into the universities and other public institutions.

On the motion of the Attorney General, it was agreed that those who wished to waive their copyright, should not be obliged to give the copies of publications required by the bill; and it was also provided that those who did not give the copies required, should have no copyright.

Mr. *Abercromby* contended that the public curiosity would be more earnest by abridging the period of copyright; he proposed to limit it to 20 years, instead of 28.

Mr. *Morris* insisted, that the term of 28 years was not too much for a just copyright. He cited the cases of Dr. Adam Smith's works, and Dr. Johnson's dictionary, to prove that most valuable works were not properly estimated till they had gone through many editions, and had been long before the public. He therefore thought an extended term of copyright was desirable.

Sir *A. Piggott* thought the present period of the session too late for the agitation of this subject. He thought eleven copies too many to require, and that when no complaint was made on the part of authors, of booksellers, or the public, it was unnecessary to alter the law as it stood.

Mr. *Leycester* defended the proposition of the attorney general, which was agreed to.

Mr. *C. Wynne* proposed to render the supply of copies to the Universities obligatory only when called for. On explanation this difficulty was removed.

Some further conversation took place on the provision to secure the best impressions of every work to the public libraries. It was agreed that the copies so given should be on the best paper on which the work should be printed for the general purposes of sale.—The house having resumed, the report was received, and ordered to be taken into further consideration on Friday.

[OYSTER FISHERY BILL.] Mr. Wharton brought up the report of the Oyster Fishery Bill.

Sir *S. Romilly* opposed the bill. In the committee he had intended to propose, in lieu of the punishment of transportation for seven years, imprisonment for two; but the bill had passed through the committee, very unexpectedly to him, at an early hour this afternoon. His chief objection to the bill was, that the house was not sufficiently acquainted with the nature of the property which it was intended to secure. He deprecated the enactment of a new penal law, without having previously ascertained the precise extent of the crime, or without a complete conviction that it might not be committed in ignorance rather than with a malevolent design. He dwelt with considerable force on the dreadful depravation of mind to which the persons transported to Botany Bay were subjected, and contended, that it was of such a nature as to call loudly for the interference of the legislature.

The *Solicitor General* defended the bill, as indispensable to the protection of private property. It was not the enactment of a new penal statute. It was already, in his opinion, a felony at common law; but from an inadvertency in wording the act, the protection of this property was not so complete as it was desirable it should be. All that the bill before the house professed, was to restore the common law. With respect to the punishment, it was not greater than what was annexed to similar offences.

Mr. *Magens* explained the nature of the oyster-beds, and enlarged upon the various depredations that had taken place upon them. The people to whom they belonged were in general poor, and lived, as it were, from hand to mouth. It was, therefore, the more necessary that their property should be protected, in the same manner as any other property equally exposed, such as bleach-fields, orchards, &c. This was not a matter of small amount; and some means ought to be taken to enable them to gain their livelihood by carrying on their trade. He approved of this bill, as affording that necessary protection.

Sir *W. Curtis* observed, that undoubtedly the oyster-beds were a species of property as deserving of protection as any other. His only objection to the bill was, that it did not sufficiently mark out the property, insomuch that any person, like himself, fond of oysters, might innocently and ignorantly transgress upon these oyster-beds, should he happen to be passing near the spot where they lay. As it was a traffic which produced many good seamen, he should not object to its being properly protected, provided the property in question was so noted or marked out, as to prevent persons falling into error.

Mr. *Sturges Bourne* said, he did not apprehend that this bill went to make any alteration in the description of the property or place where it lay, other than the former bill contained. It was evidently a property well worthy of protection. Doubts having existed whether the law at present deemed the offence of stealing these oysters a felony or a misdemeanor, it was therefore necessary to explain the law. Such was the object of this bill. It had always been deemed necessary to punish those offences that could be committed with great facility, with more severity than those of a contrary description. For instance, the crime of sheep-stealing was punished, upon all occasions, with death. Upon the same principle, oyster-beds well deserved protection, as being private property collected together with great labour.

Sir *W. Elford* supported the measure, as he thought it was necessary to protect that species of property, by the severity of the punishment.

Mr. *C. Wynne* said, that formerly a bill had been brought in for making the stealing of any species of fruit a felony; and although it was acknowledged by all, that that property was much exposed and required protection, yet the article was so tempting and the offence so easy of commission that boys might be induced to commit it, that the bill was rejected. He thought it highly necessary that the oyster-beds should be marked out so as to prevent persons totally ignorant of the law from committing the offence of taking oysters from thence. A captain of a ship, newly arrived from a distant climate, might innocently enough send out his boat, with men, to take oysters wherever they could get them. Was it just or reasonable that such persons should be deemed guilty of felony? He should wish to see some provision introduced, so as particularly to mark out these beds to the public.

Mr. *Villiers* thought it extremely important to declare what the law was upon the subject. The punishment proposed in the bill could not be objected to as being severe, as it was certainly the mildest kind inflicted for larceny.

Sir *A. Piggott* thought, that if the law already declared this offence to be felony by the common law, there was no occasion for passing this bill. It was certainly important that the beds should be particularly marked out.

Mr. *Spencer Stanhope* said, if he consented to this bill, he was consenting to innocent persons being punished as felons. A captain might return from the East Indies, and might choose to regale himself with oysters, and he could see no circumstance that could induce a jury to acquit any person who had committed the offence, even in the slightest degree. He had, however, no doubt there should be a law making this offence more penal than it at present seemed to be, although he certainly thought the oyster-beds that were private property ought to be particularly marked out.

Mr. *Western* stated, that the object of the bill was merely to declare the law, upon which doubts had on various occasions arisen.

Mr. *Burton* could see no objection against restoring the existing law, and explaining what it really was. The only difficulty was, to ascertain whether or not it was private property? He thought there ought to be words in the act descriptive of the property, and that it ought to be marked out with proper buoys.—The report was then agreed to, and the bill ordered to be read a third time to-morrow.

HOUSE OF LORDS.

Thursday, June 23.

[Stamp Duties Bill.] On the motion that the Stamp Duties bill be read a first time,

Lord *Holland* rose to observe upon the extreme importance and complexity of the measure. It was one which, in his opinion, required and deserved a minute and mature consideration. It was therefore proper the house should have it before them in a legible and accessible form. His lordship then moved that the bill be printed.

Lord *Hawkesbury* observed, that it was not the practice to print bills of this sort, nor did he see of what utility it could prove to have the bill printed. He must therefore resist the motion of his noble friend.

The Earl of Lauderdale and the duke of Norfolk insisted on the propriety of having the bill printed, as otherwise it would be impossible to come at a perfect knowledge of its provisions. Lord Hawkesbury repeated his objections to the printing of the bill; upon which, lord Holland said, he felt it his duty to take the sense of their lordships upon the question. The house then divided: Contents 16; Not-contents 28.—Majority 12.

[Bank of Ireland Charter Bill.] The Earl of *Lauderdale* rose pursuant to notice, to move that the opinion of the Judges be taken upon certain clauses of this bill, which regulated the amount of the notes which the Bank was empowered to issue, and the distribution of any surplus that might arise to the subscribers. According to the accounts on the table, it appeared that the bank had issued notes to a larger amount than that to which by the bill it was limited; and that the subscribers had subscribed only the same sums as before. He was at a loss to see where was the necessity of providing for the distribution of the overplus. This latter clause surely contained as gross a bull as ever was imported from Ireland.

The Earl of *Limerick* rose to order. He could not sit silent and hear reflections thrown out upon the country to which he belonged, nor would he tolerate them from any noble lord.

The Earl of *Lauderdale* meant no disrespect to Ireland; he had often been rallied himself on the accent he had brought from his country, without being hurt at it. The best authorities considered bulls as the offspring of a quick imagination. But surely an act of parliament was not the most suitable place for exhibiting flights of fancy.

The *Lord Chancellor* saw no necessity for consulting the Judges on the clauses referred to by the noble baron. As a lawyer, he might take upon him to say that the Judges would give no opinion as to the illegality or obscurity of the clauses; but he was not now delivering the opinion of a lawyer.—After a few words from lord Lauderdale, the motion was negatived without a division.—The bill was then read a third time and passed.

[Protest against the Bank of Ireland Charter Bill.] On the passing of this Bill, the following Protest was entered on the Lords Journals: viz. "1st, Because this act sanctions the prolongation of the Charter of the Bank of Ireland from the year 1816, at which time that corporation might, on notice, have been dissolved, to the year 1837, and thus confirms the valuable exclusive privileges it now enjoys for thirty years, on terms most inadequate and improvident, as must appear from the following short statement:—The agreement on the part of the bank, to manage the public debt of Ireland, free of all charges and expense, gives the public a sum amounting nearly to 7,525*l.* per ann. the commission the Bank at present receives on that account.—But the public have given to the Bank 5 per cent. for the sum of 1,250,000*l.* they might have borrowed at 4*l.* 14*s.* 6*d.* the interest at which money has been actually raised this year by the government of Ireland; 3,437*l.* being the difference betwixt 62,500*l.* the interest of 1,250,000*l.*, at 5 per cent. and 59,062*l.*, the interest of the said sum at 4*l.* 14*s.* 6*d.* per cent. must therefore be taken from 7500*l.* the public have acquired; and it will then appear, that an annuity of 4,088*l.* is the full amount of the pecuniary consideration given for the extension of this valuable privilege.—Further, the duration of this trifling remuneration is no way guarded by the act; it may expire within a short time, and the public, whilst the bank are in full enjoyment of the privileges conferred on them, may be compelled to make a new agreement for the charges of that part of the public debt which may be managed in Ireland; for this act contains no provision compelling the bank of Ireland to manage any part of the public debt after it shall be consolidated with the debt of Great Britain, an event, which, under the 7th Article of Union betwixt Great Britain and Ireland, may take place within a very few years.—2dly, Because the act ought, for the credit of the bank of Ireland, and the security of the people of that country, to have expressed, in clear and distinct terms, the nature and extent of the privileges it confers.—It is true that it contains a clause limiting the circulation of the bank of Ireland to the sum of 2,750,000*l.* similar to the clause of the Irish act of the 37th of the king, ch. 50, which limited the circulation of that bank to 1,500,000*l.*—But, as it appears by documents before parliament, that this bank has, notwithstanding the said clause, illegally extended its circulation to a sum upwards of 3,000,000*l.* The act ought distinctly to have expressed what, in conjunction with the Irish acts of the 22d, 31st, and 37th years of his majesty, it clearly enacts, viz.—"That if any sum, exceeding the sum of 2,750,000*l.* shall be borrowed, or taken up by, or lent, or advanced to, the Corporation of the bank of Ireland, under their common seal or otherwise, or for payment of which any bond, bill, note, covenant, agreement, or other writing shall be made, sealed, or given, then, and in such case, all and every the person or persons who shall be a member or members of the said corporation, his or their respective heir or heirs, executors, or administrators, shall, in his or their respective private capacities, be chargeable with, or liable in proportion to, their several shares and subscriptions, to the repayment of such monies which shall be so borrowed, taken up, or lent, with interest for the same, in such manner as if such security had been a security for payment of so much money and interest for the same, sealed by such respective members of such corporation, and delivered by him or them, as their respective acts or deeds, in proportion to their several shares and subscriptions, as aforesaid."—3dly, Because we think it our duty to express the strong sense we feel of the great impropriety of extending the Charter of the bank of Ireland, by act of parliament, without, in the same act, doing away that doubt, which, since the passing of an act in the year 1793, was known to exist concerning the admissibility of our Roman Catholic fellow-subjects, to the direction of that corporation.—We must think that those who pretend to feel such alarm at the idea of granting any extension of privileges to the Roman Catholics of Ireland, were called upon to remove a doubt, on which their minds, if they are serious in their professions, must dwell with such anxiety. Whilst, on the other hand, our anxious desire to see our Roman Catholic fellow-subjects enjoy, in every respect, the privileges to which their birth-right entitles them, makes us deeply regret that this act does not, in explicit terms, declare their eligibility to the situation of governor or director of the bank of Ireland.

Lauderdale,
Dundas,
(For the last reason) V. Holland."

[Sugar Distillation.] The order of the day being moved for the second reading of the bill prohibiting for a time to be limited the Distillation from corn,

Earl *Bathurst* rose and observed, that it was not necessary for him to detain their lordships by any minute explanation of the measure now proposed. It was one, which, when fairly considered, would be found highly expedient under all the circumstances of the present moment. The country was now completely excluded from any supplies of corn from the continent of Europe, and from America. A scarcity of provisions had been felt in many parts of the united kingdom; in Scotland, oats were scarce, and had risen in price; in Ireland the potatoe crop had in a great degree failed, which produced a greater consumption of corn, so that prudence dictated a measure which, while it seasonably provided against a scarcity in one quarter, would afford relief in another, where distress had arisen from a superabundance of other articles. There was now a glut in the market of West India produce, which proved highly injurious to the interests of the West Indian proprietor. This glut would be relieved by encouraging distillation from sugar, without producing any detriment whatever to the interests and improvement of agriculture. He trusted, therefore, the measure would be cheerfully acquiesced in.

The Earl of *Selkirk* thought the measure pregnant with the most injurious consequences to the agricultural interests of the country. He admitted that what was used in the distilleries, or in other purposes different from that of immediate sustenance in a year of plenty, might come in aid of the supply in a year of scarcity, and that it might, in consequence of scarcity, become absolutely necessary to stop the distilleries; but, generally speaking, it was much better to leave agriculture and distillation to themselves; if the price of grain became so high in consequence of scarcity that the distillation of it would not yield a profit, the distilleries must of course stop. The high price of grain would also be an encouragement to further cultivation; the produce of which being brought to market would lower the price. The high price of grain might have the effect of inducing the conversion of a portion of grass land into tillage, which would immediately tend to lower the price of grain; and if only a thirtieth part of the grass land in the united kingdom was converted into tillage, he believed there would be no necessity for the importation of grain. He objected to the bill, as tending to lessen the cultivation of grain, and to render the operations of agriculture unsteady and fluctuating. The distilleries, besides, had already stopped, and no more grain of the produce of the last harvest would be distilled; the deficiency therefore in the last harvest could be no ground for the bill; it must apply to the ensuing harvest, and of that there was at present the fairest prospect. Conceiving the bill to be an unnecessary interference with the agriculture of the country, he must oppose it.

Lord *Holland* had heard nothing to induce him to withdraw that support which he intended to give to the present bill. He could see no reason why, if the quantity of grain consumed in a year of plenty, for purposes different from necessary sustenance, was to come in aid of a year of scarcity, it might not also come in aid of a deficiency of importation. The great object in this case was the relief of the West India interest, now in a state of great distress, and to prevent that ruin in which they must be involved if something was not done to take off a part of that pressure which weighed so heavily upon them. If this could be done, as he contended it could, not only without injuring the interests of agriculture, but with ultimate benefit to those interests, as the West India Islands must, in the present state of affairs, be in a great measure dependant upon this country for provisions; and if some relief was afforded in the present instance, those connected with them would be the better enabled to purchase supplies, he saw no reason why the present measure should not be carried into effect, merely because it was contrary to a general principle.

Viscount *Sidmouth* thought it impolitic to interfere with the agriculture of the country. Let every thing be left to price, and that would be found a much better regulator of the amount of the supply in the market, than any legislative measure. He could not agree with the policy of sacrificing one interest for the benefit of another; it was much better, in his opinion, that competition should be left to its effect. With respect to the West India interest, he thought it would be much better to resort to other measures of a more permanent nature for their relief.

The Earl of *Albemarle* had not heard any necessity shewn for the present measure; nor could he agree, that the West India interest ought to be relieved at the expence of the agricultural interests of the country. With respect to importation of grain, he was of opinion, that the land now in cultivation would, if properly managed, produce a sufficient supply without the necessity of importation.

Lord *De Dunstanville* did not think the agricultural interests of the country would be injured by the present measure, and he could not help thinking it hard upon the West India interest, if, whilst compelled to bring their sugar to this country, they should be precluded from the means, which would be afforded by this measure, of disposing of a part of that produce.

The Duke of *Montrose* urged the deficiency in the supply of oats and barley in Scotland, as a strong ground for the present measure.

The Earl of *Lauderdale* contended that the Report of the committee of the house of commons on this subject, did not clearly state the grounds on which the present measure was founded. He condemned the principle of sacrificing the interests of the grower of barley to the grower of sugar, observing that the same principle might be extended in a most injurious manner to different trades and manufactures, and contended, that the throwing back upon the market the quantity of barley which would otherwise be consumed in the distilleries, would necessarily cause a great diminution of price, and greatly injure the agricultural interests of the country.

Lord *Hawkesbury* contended that the agricultural interests of the country, who were already protected by law in the price fixed, until which, no importation of grain could take place, had no right to complain of the relief now wished to be afforded to another great interest of the country. No one could be more convinced than himself of the importance of supporting the agriculture of the country; he had always considered the agriculture and the navigation of the country, as the two great leading interests on which the prosperity of the country rested. In this case, however, the interests of the whole community required that means should be adopted to prevent the evil consequences of a deficiency of grain arising from there being no importation, and though at present there was every prospect of an abundant harvest, still it should be recollected that the critical period with respect to the future hopes of that harvest had not yet passed. It was in this point of view, added to the actual deficiency which existed in Scotland and Ireland, that he supported the present measure.—The Bill was then read a second time.

HOUSE OF COMMONS.

Thursday, June 23.

[Army Clothing.] Mr. *Wardell,* pursuant to his notice, proceeded to call the attention of the house to the subject of Army Clothing. The object of his motion he would frankly state at the outset to be, to save an useless expenditure of the public money, by substituting public contract in the place of private, though, as he should afterwards prove, the system of private contract had received such avowed encouragement from the illustrious personage at the head of the army, and from his majesty's present Secretary at War. He would, before he sat down, prove to the house that the public money had been extravagantly wasted by this system of private contract. It appeared from a letter, signed 'William Merry,' and dated the 2d of July, 1803, that the government had at that time contracted that the army should be supplied with great-coats at the rate of 16*s.* 6*d.* per coat, but that price was then acceded to, upon the condition stated in a letter from the then Secretary at War (Mr. Yorke), that the price per coat then agreed to be given should be reduced in proportion to the reduction of the then price of kersey. Now, he was prepared to prove incontrovertibly to the house, that the price of kersey had been reduced since that period, gradually and considerably, and that the primitive charge of 16*s.* 6*d.* per coat had not been at all abated till Feb. last. The decrease of the price of kersey had been from 1804 to the year 1807, in the following proportion: in Dec. 1804, kersey was at the rate of 4*s.* 6*d.* per yard; in Dec. 1805, it fell to 4*s.* 4*d.* per yard; in Dec. 1806, it sold at the rate of 4*s.* 2*d.* per yard; and in Dec. 1807, it was so low as 3*s.* 6*d.* per yard; and notwithstanding the proviso insisted on in the letter of Mr. Yorke, still was the public paying for every great coat at the original rate of 16*s.* 6*d.* per coat, though the rates by which the price was to be measured had fallen from 4*s.* 6*d.* to 3*s.* 6*d.* per yard. This he could prove by the testimony of the most respectable clothiers in the country. He held in his hand a calculation he had made of the loss the public had, within the short space of three years, sustained by the non-enforcement of the proviso laid down by Mr. Yorke, namely, the reduction of the charge per coat, in proportion to the reduction of the price of kersey per yard. He would rate the army at 250,000 men, which was 50,000 less than the number stated by the noble lord (Castlereagh), on submitting to the house his plan for a Local Militia; but he (Mr. Wardell) was anxious to proceed in his calculation according to the most moderate ratio. Each man was allowed a great coat once in every 3 years. He took the number of great coats for one year at 80,000, certainly below the fair proportion for the year ending Dec. 1805, during which the kersey had fallen two-pence per yard, being sold for 4*s.* 4*d.* per yard; according, then, to the original condition, every great coat should have been sold for 15*s.* 10*d.* instead of 16*s.* 6*d.* per coat; here, then, had the original contract been adhered to, there would have been a saving of 8*d.* per coat, which in the expenditure of one year, would have been a saving of no less a sum than 2,666*l.* 13*s.* 4*d.* In the following year, kersey selling for 4*s.* 2*d.* per yard, the price of the great coats should have been at the rate of 15*s.* 2*d.* per coat, instead of 16*s.* 6*d.*, which making a difference of 1*s.* 4*d.* per coat, would be to the public a saving of not less than 5,333*l.* 16*s.* 8*d.* Again, in the year commencing 1806, when kersey sold for 3*s.* 6*d.* per yard, each great coat, according to the original stipulation, should have been sold for 12*s.* 9*d.* each, instead of what they were then sold for 16*s.* 6*d.* each; whereby, the contractors had a profit of 3*s.* 9*d.* per coat; and thus there was an unnecessary waste of the public money to the amount of 15,000*l.* so that in the course of three years, the saving of the public money, if the original stipulation had been adhered to, would have amounted to 23,000*l.* It appeared further, that no reduction whatever had taken place in the charge for the clothing (notwithstanding the serious reduction of the price of the material) till the 1st of Feb. last. For this reduction, certainly no thanks were due to the right hon. the Secretary at War, but to the repeated offers on the part of the majority of the clothiers to supply the clothing at a reduced price. He would prove, if he had not already done so, that the loss of public money, under this system of favoritism, by the means of private contract, amounted in the course of three years to 23,000*l.* On the 29th of June, 1806, the firm of Messrs. Scott and Co. offered to supply great coats for 20,000 men, at the rate of 14*s.* 9*d.* per coat. To this proposal they never received an answer (hear! hear! from the ministerial benches). It was true that this part of the charge did not affect the gentlemen opposite; but this would shew, that he (Mr. Wardell) was not influenced by party motives; and that in the discharge of his duty as a member of parliament, to the public, he would be equally indifferent to either friend or foe [hear! hear!].—He contended, that had this offer of Scott and Co. been accepted, it would have been a saving of the public money to the amount of 21,875*l.*; and still more to evince the folly of not acceding to their offer, it appeared that the same house afterwards accepted of a partial interest in the contract made with Pearse, and actually received at the rate of 16*s.* 6*d.* per coat, what they offered to provide at the reduced rate of 14*s.* 9*d.* per coat. They had made another offer on the 10th of Feb., 1808, when kersey was as low as 3*s.* 6*d.* per yard, to supply great coats at the rate of 12*s.* each, to this tender they certainly received an answer, and were so far more successful than in their former application, but it so happened, that they received 14*s.* per coat, through the means of a partial interest, which they had offered at the rate of 12*s.* per coat; and not only that of Scott's, but any house in London would have supplied that part of the army clothing at the rate of 12*s.* per coat. He meant from the 29th of June, 1806, to the year ending 1807, and thus there would have been a saving of not less than 16,666*l.*, or at the rate of 50,000*l.* each delivery. The clothiers, induced by such repeated offers, agreed to take off 2*s.* 6*d.* in the price of each coat, instead of 4*s.* The hon. gent. then read a letter, dated the 11th of Nov. 1807, and signed G. Harrison, in which there was a proposal made to the contractors on the part of the lords of the treasury, that in proportion to prompt payment there should be a reduction in the price. He commented on this passage, and contended that it appeared from Mr. Gilgrim's voucher on the table, that the payments had seldom been made earlier than six months. He was willing to give every credit to the noble lords at the head of the treasury, they had done what they could to establish a system of fair and open contract; but their exertions in this respect seemed to have been counteracted by a powerful but improper influence. Here the hon. gent. read a letter signed "Harry Calvert, Adjutant General of the Forces," addressed to the Secretary at War, in which the writer, in the name of his royal highness the Commander in Chief, disapproved of any change in the mode of clothing the Army; this letter was dated 11th Nov. 1807. Here the hon. member took occasion to disapprove of the Secretary at War feeling it necessary to consult the duke of York upon the propriety of obeying any orders issued by the lords of the treasury, with respect to Army Clothing. If such applications were made to the Commander in Chief, merely because he was the son of our gracious sovereign, such a principle of false deference could not be too early corrected; if, on the other hand, it was owing to a superior authority vested in his royal highness, it would be right to ascertain whether the orders of the lords of the treasury should thus be permitted to be waved or disputed. The hon. member next read a letter from the Secretary at War to G. Harrison, bearing date the 8th of December, 1807, in which he expressed it to be incumbent on him to communicate with the duke of York on the subject of the instructions given by the lords of the treasury with respect to the clothing of the Army by public contract. In the same letter the right hon. secretary expresses his sincere wish that the lords of the treasury would comply with the highest military authority in the country, on a point on which his royal highness's experience ought to have such weight. That it had appeared that all contracts of a public nature in this department had not been productive either of any advantage to the individual, or of any real service to the public; and that he (the Secretary at War) therefore hoped, that their lordships would not force the mode of supply of clothing by public contract. It appeared then, that though the Secretary at War thought it necessary to have those communications with the duke of York, yet that he, at the same time, admitted the power of the lords of the treasury, independent of the wishes of his royal highness. The hon. member next referred to a letter, dated 8th Feb. 1808, addressed to the Secretary at War, with respect to another offer for the supplying great coats to the army by public contract.—The hon. member proceeded to state, that no sooner had Mr. Pierce received an order to furnish great coats at 16*s.* 6*d.*, than he set off to a slop-seller of the name of Dickson, and bargained with him to furnish them at 13*s.* 6*d.* or 14*s.* This was a fact which could not be got rid of, and which he was ready to prove at the bar of the house. The loss to the public by this bargain, in one year, was no less than 30,000*l.*, even on the supposition that Dickson furnished the coats at only 2*s.* 6*d.* less than Pierce's contract.—He should now beg leave to state a few words on the general clothing of the army. He was as reluctant as the right hon. gent. opposite (the Secretary at War) could be to break in on any of the privileges of colonels, but he could propose a mode of saving to the country without making any alteration in their situation. When he stated the saving that might be produced from a change in the mode of contracting for Army Clothing at 100,000*l.*, he found on a closer examination of the subject, that he had greatly under-rated it. If a committee were to be appointed, he should have no difficulty in shewing that instead of the price paid by colonels of 1*l.* 13*s.* 9*d.* for coat, waistcoat, breeches, and shoes, these articles could be furnished of the same quality for 1*l.* 7*s.* 8*d.* being a difference of 6*s.* 1*d.* on each suit, or of 76,041*l.* a year. Mr. Pierce stated, that for ready money he would give a discount of five per cent. The contractor gave six months credit; so this would form a deduction of two and a half per cent. and would reduce the saving to the public to about 68,000*l.* He could shew that there would be a saving on every cap of at least 1*s.* which would amount to about 12,500*l.* making together about 81,000*l.* On accoutrements, supposing them to last five years, there would also be a saving of about 12,000*l.* making 93,000*l.* and the annual saving on great coats, amounting to about 8000*l.* would produce a total of 101,000*l.*; all this, too, independent of the whimsical and absurd dresses used in many regiments, which seemed calculated for no other purpose, than to excite amusement, if not ridicule, in the public. He was convinced, when every thing was taken into computation, that he might estimate the saving, instead of 100,000*l.* at 200,000*l.* If he were to go to the opinions of those who had been in the service of army agents, and to adopt their tone, he should say, that it would even amount to 400,000*l.* For that, however, he could not vouch; he only gave the story as he received it. It was, however, he understood, no unusual thing for army agents to receive several hundreds a year for recommendations to particular regimental contracts. He should conclude with moving, "1. That it is the opinion of this house, that from an improper adherence to the system of Private Contract;

the public have been put to a very unnecessary expence for military great-coats; and it is the farther opinion of this house, that the orders of the Treasury of the 5th Nov. 1807, and 11th Feb. 1808, directing the great-coats of the army to be supplied by open contract, are highly proper and necessary to be adopted in future. 2. That it is the opinion of this house, that open Contract should be resorted to in all cases where the clothing and appointments of the army are ordered by government. 3. That a Committee be appointed to take under their consideration the Clothing and Appointments of the Army in general, with a view to ascertain, whether by the adoption of a new system, clothing and appointments agreeably to his majesty's regulations, might not be furnished on such terms as would ensure a great saving to the public, and at the same time allow a continuance of those emoluments to the colonels that they have hitherto enjoyed from the clothing of their regiments, or an equivalent in lieu thereof."—He concluded by stating, that it was not his intention to press his motions this session.

The *Secretary at War* replied to the observations of the hon. gent. Those who were well acquainted with the woollen trade, had informed him that the prices had remained stationary from 1803 to the present time. With respect to the price for great-coats that had been fixed in 1803, namely, 16*s.* 6*d.* he could only say, that as far as he understood, that price had not been fixed without due deliberation, and a full consideration of every circumstance connected with the subject. A reference to the opinion of military men, and particularly to that of the Commander in Chief, was indispensable on questions of this nature, and consequently the inferences of the hon. gent. did not apply. When the business was referred to the commander in chief, he communicated it to the board of general officers, who, of course, were perfectly disinterested, and who after due deliberation, declared their unanimous opinion, an opinion in which the commander in chief had concurred. The soldier's great-coat was to last him for three years: it was frequently his only covering, and it became therefore most necessary that the coats should not be of an inferior quality. On this principle, the board of general officers and the commander in chief had objected to any change in the system by which these coats had hitherto been furnished. The secretary at war had no connection whatever with the appointment of those who were to furnish the clothing of the army. Every colonel of a regiment selected his own army clothier. The war-office, therefore, could have no interest in the question. It was not to be expected, that the treasury would suppose any orders of this nature issued by them upon this subject were final, without consultation with the military authorities. The treasury had recommended a new system, but the board of general officers and the commander in chief were so strongly impressed with what they conceived would be the injury which the army would sustain from the change, that the treasury acquiesced. He did not think the least advantage would accrue to the public from taking the clothing out of the hands of the colonels; although he was satisfied that (provided a fair compensation were made to them) the colonels would be much benefited, and would be very happy to have the clothing removed from their hands into those of the public. He should move the previous question on each of the motions.

Mr. *Whitbread* could find no answer in the speech of the right hon. gent. to a single one of the statements of his hon. friend. The speech of the right hon. secretary at war had consisted principally of a panegyric on great-coats. That the comforts arising from the use of them should be secured to the soldier, he would be one of the last to dispute; but, on the same principle, great part of the rest of the dress of the army should be abolished. Some of them were dressed in such a manner as to be the ridicule of every person who passed by. Some of the cavalry were seen equipped with immense muffs, caps, or hats, which whether the weather was cold or hot, wet or dry, must be equally insupportable; others had immense things hanging over their arm, under which they seemed ready to faint with fatigue. Whiskers too, it might be supposed, were extremely comfortable! He agreed that if a more comfortable great coat could be furnished to the soldier for 16*s.* 6*d.* than for 14*s.* it would be proper he should have it. But what was the position of his honourable friend? That the soldier had precisely the same coat on his back for 16s. 6*d.* that he might have for 14*s.* What greater comfort, then, he asked, could the soldier have in this? His hon. friend had stated, that one house had furnished at 16*s.* 6*d.* the very same articles which he had offered at 14*s.* 9*d.* because he could not get the latter tender accepted of. He agreed, that the commander in chief ought to be consulted, but he objected, that the second order of the treasury should only have been considered by the secretary at war, as a hint as to their opinion on the subject. He was surprised to find, that the right hon. gent. had offered no apology for his conduct, if so much of the comfort of the soldier depended on his great-coat, and this comfort was to be endangered by the change, in insisting that if his mode of furnishing was not to be followed, the business should be transferred to the commissary general. This shewed but little regard for the comfort of the soldier, that because the change was likely to endanger his comfort, he would give up all controul in the matter. As to the Committee of Finance doing any thing on this subject, he thought it was in vain to expect it. If the chairman of that committee were a man of iron, if he were to live to the years of Methusalem, from the mode in which that committee was now proceeding, little good was to be looked for. The great-coats might be worn out again and again before any relief would be afforded from that quarter. He should therefore support all the Resolutions of his hon. friend.

General *Stuart* thought it signified not what was the dress of soldiers, provided they were well disciplined. The dress alluded to by the hon. gent. was adopted in some light regiments of cavalry, in consequence of several Germans having come over to this country, who belonged to regiments that dressed in that way. Such dresses were considered as well adapted to cavalry employed at outposts. The saddles they used were particularly useful on such services. Several Hussar regiments were equipped in imitation of the German cavalry, by order of the Commander in Chief; and he did not see that their dress was more ridiculous than the long tails and the monstrous inconvenient cocked hats, formerly worn by cavalry. If the business of providing for the clothing of the soldiers was taken out of the hands of the colonels of regiments, it would produce no benefit to the army, nor any saving to the public. The soldiers would not then be so well off as at present; because it was the ambition of a colonel, who always had a regard for his regiment, to make the soldiers have as good an appearance as possible: and he generally spent more for the dress of the soldiers than was allowed by government for the purpose.

Mr. *Whitbread* congratulated the Church on the vigilance of the two Archbishops, who he conjectured were a few days ago visiting its outposts, as he had discovered them mounted on hussar saddles. [A laugh, and a cry of order!]

Mr. *Huskisson* thought every thing the hon. member could wish was now fairly in train, and likely to be accomplished. He defended the treasury from any imputation of blame, but reprobated the idea of open-contracts, as tending to raise the price of commodities to government.

Mr. *Fuller* concurred with the hon. gent. (Mr. Whitbread), in ridiculing the dress of some of our regiments, and especially the sudden changes of regimentals, the expence of which had compelled many officers to quit their regiments. Adverting to the scantiness of clothing in some cases, he declared that he had seen instances in which the dress of the soldiers of a regiment had been made so tight, that it had been burst by the sudden contraction occasioned by a shower of rain; and the poor fellows were left with nothing but their shirts to cover a part of their bodies which he would not name. [A laugh.] On the whole, however, he believed that the clothing was conducted on a very equitable principle.—After a few words in explanation, Mr. Wardell withdrew his motions.

[MR. PALMER'S CLAIM.] The house was moved, that the last of the Resolutions which, upon the 14th of June, was reported from the committee of the whole house, to whom it was referred to consider further of the supply granted to his majesty, and was then agreed to by the house, might be again read:—And the same was, as agreed to by the house, read accordingly, as followeth, viz. Resolved, "That a sum, not exceeding 54,702*l.* 0*s.* 7*d.* be granted to his majesty to be paid to John Palmer, esq. being the balance of the per-centage due to him on the net revenue of the Post Office, from the 5th day of April 1793 to the 5th day of January 1808."

The *Chancellor of the Exchequer* rose to move for a separate bill on that Resolution, instead of allowing it to form a part of the general Appropriation bill. He would state his reasons for making this proposition, of which he had given due notice, that it might not appear to be a sudden measure. The ordinary course of the house was to put all the grants of the year into the appropriation bill; but, in adopting the course which he was about to recommend, the house would not act in an unparliamentary or an unprecedented manner. If there ever was a case in which the ordinary course should be deviated from, it was the present, for very strong reasons, which he would distinctly show. With respect to the precedents on this subject, he would submit to the house a great variety of them. In the first place, he would state a number of cases of grants voted in the committee of supply to private individuals, with conditions annexed to them, some of which had been carried into effect solely by a separate bill, while others had been incorporated into the appropriation act. The first that he would mention was a vote of the house in a committee of supply, on the 10th of April 1739, of 5000*l.* to Mrs. Johanna Steele, on condition that she would with all convenient speed make discovery of her remedy for curing the stone; this vote was carried into effect by a separate bill, and did not appear in the appropriation act. Another vote was on the 28th of Jan. 1731, of 14,000*l.* to sir Thomas Blome, as a recompence for the introduction of organzined silk into this country, on the condition that he should produce the models of his mills. This vote was carried into effect by a separate bill, but did make its apperrance in the appropriation act. 5000*l.* had been voted in a committee of supply, to the family of Mr. Harrison, for his timepiece, on the condition that his executors should, as speedily as possible, explain its construction. This vote was carried into effect by a separate bill, and was also incorporated in the appropriation act: 3,600*l.* had been voted in a committee of supply, to Mr. Phillips, on the condition of his discovering the composition of a powder for destroying insects. This vote was carried into effect by a separate bill, which was in the lords; and it did not appear in the appropriation act. Two or three years afterwards Mr. Phillips renewed his application, and the house of commons, in a committee of supply, voted him 1000*l.* This vote was carried into effect in a separate bill, which bill was also lost in the house of lords, and it did not appear in the appropriation act.—Thus it appeared that out of these five cases the house adopted one course in three instances, and another course in the remaining two. The same variety of proceeding would appear on an examination of different grants that had been voted for public purposes. In some cases these votes had been carried into effect solely by separate bills; in others they had been incorporated in the appropriation act. For the construction and improvement of Westminster Bridge various sums had been voted at different periods. On the 13th of May, 1742, 20,000*l.*: on the 24th ——, 1754, 25,000*l.* In both these cases the votes had been caried into effect in separate bills, and had not appeared in the appropriation act. On the 27th of June 1742, 25,000*l.*; in 1743, 25,000*l.*; in 1754, 2,500*l.*; all which had been carried into effect by separate bills, but had also been incorporated into the appropriation act. It was evident, therefore, that in these instances, all relating to the same object, the house had been influenced solely by convenience. There were various other similar grants. On the 2d of March 1756, 10,000*l.*, for widening the streets of Westminster; and in May 1758, 10,000*l.* for repairing Milford Haven; which votes were carried into effect by separate bills although they appeared in the appropriation acts. In 1759, 10,000*l.* for Milford Haven; on the 9th of May 1759, various sums as compensation for the purchase of lands at Portsmouth and Plymouth; on the 23d of March 1762, 5,000 for paving Westminster, and on the 14th of April 1767, 2,000*l.* additional for the same purpose. All these votes were carried into effect by separate bills, and did not appear in the appropriation act. From these various cases it was clear that not only on private but on public grants the house had always exercised its own option on the mode of proceeding.—But, there was another class of cases more nearly resembling that under consideration. They were the grants which had been made without any condition annexed. On the 23rd of December 1707, 2,120*l.* 18*s.* 6*d.* had been voted in a committee of supply as due to capt. James Roach for the arrears of the rent of forfeited estates in Ireland, granted to him by act of parliament. This vote was carried into effect by a separate bill, and did not appear in the appropriation act. On the 28th of January 1752, 112,143*l.* was voted to the African company as a compensation for the loss of their chartered lands. This vote had been carried into effect by a separate bill, and was not incorporated into the appropriation act. But one of the most material cases to which the house ought to attend was that of Rye harbour. On the 25th of Feb. 1745, the committee of supply voted a grant to his majesty of 23,360*l.* out of the sinking fund, to enable the commissioners of Rye harbour to complete the works. The appropriation bill was subsequently brought into the house, but this grant was not included in it: and the committee upon it on the 8th of April was adjourned to a late hour, for the purpose of allowing the vote of money for Rye harbour to be made the subject of a separate bill. Another case had occurred in 1779, of a grant upon the petition of Dr. Smith, as a reward for his having attended sick prisoners in London and Westminster. That petition had been, with some counter petitions, referred to a committee, which made no report. In the year 1781 the petition was renewed, and on the report of a committee, a bill was brought in, and passed the house of commons for granting 1,200*l.* to Dr. Smith, which bill was never returned from the lords. It was impossible, after what he had stated, to contend, that it was not perfectly competent to the house to carry its vote into effect, either by separate bill, or by its insertion in the appropriation act. The grant had been voted on grounds not satisfactory to his mind, and though he still retained his former opinion, it was not upon that he proposed the present course. The house had a discretion, and it remained to be considered under what circumstances the house would be disposed to proceed, by a separate bill, or by including the grant in the appropriation act. If no other motive would apply the course that would be most convenient, would be most desirable. In ordinary cases, where there was not likely to be any difference of opinion elsewhere, it might be proper to insert the grant in the appropriation act. But, if there should be any fair reason to suppose such a difference of opinion to exist in that other quarter, that would be good ground for taking the grant out of the appropriation act. The vote proceeded upon an assumption of an agreement between Mr. Pitt and Mr. Palmer, and then assumed that nothing had happened to defeat such contract, and that a bill should be brought in to carry the contract into effect. That house knew that the other house had the matter under their consideration, by having received a message from it, requiring a communication of the evidence upon which they had passed the bill for granting the annuity to Mr. Palmer. Having, by sending up that bill to the other house, given it an opportunity of exercising an unrestrained judgment upon one part of the case, they should not, by inserting this grant in the appropriation bill, reduce the other house to the alternative of either acceding to a grant, of which it disapproved, or of rejecting the appropriation of the supplies of the year. The right hon. gent. then quoted the authority of Mr. Hatsel, vol. iii. p. 195, to shew, that tacking one measure to another for the purpose of forcing another branch of the legislature to accede to it, was highly irregular, and a breach of the practice of parliament; but that to do this with a knowledge that the part so tacked was disagreeable to the other branch of the legislature, was highly dangerous and unconstitutional. He admitted that this doctrine had been applied by Mr. Hatsel to the tacking to money-bills measures unconnected with the supply, but contended, that the principle extended to preclude the house from any course that would reduce the other house to the alternative he had stated. If, therefore, the house should see no reason, founded upon parliamentary usage, for declining the course he had to propose, why insert the grant in the appropriation act, why clog the supplies of the year with a measure that would endanger their passing the other house? The proposition upon which the grant rested, was one on which not only the present house of commons entertained a difference of opinion, but a former house of commons had rejected. And there was as much reason to think, that any other assembly would differ from the present house of commons, as that the former house of commons had differed from it. If ever there had been a case in which the grant should be carried into effect by a separate act, it was the present. He should ask any hon. member to shew any case in which two votes founded upon the same principle, had been carried into effect, one by a separate bill, the other by insertion in the appropriation act. If there was no similar case, then this was a new case, and it was competent to the house to exercise its discretion upon it. The house would therefore decide, whether under all the circumstances of the case it would prefer the separate or the general appropriation act. He should move that a bill be brought in pursuant to the resolution of the committee of supply.

The Resolution was entered and read, and on the question being put, Major *Palmer* rose and said—Sir; after the indulgence I experienced from the house on the first discussion of this subject, it was not my intention to have obtruded further on their notice; but the many debates which have since occurred, with the motion now made by the right hon. gent. will, I trust, apologize for the observations I presume to offer. I beg leave to remind the house, that this claim was renewed, in the first instance, by a petition, which had induced his maj.'s late administration to consent to the appointment of a committee to examine the evidence upon Mr. Palmer's Agreement with government, taken by a previous committee in the year 1797, and to report their observations; that the late chancellor of the exchequer (lord H. Petty), had proposed the selection of this committee, consisting of the members for counties, principal manufacturing towns, the gentlemen of the long robe and merchants, as being the most competent to decide on the merits of the case, and to make a well grounded, impartial, and every way satisfactory report to the house. The change of administration prevented this appointment at the moment; but, at the meeting of the new parliament, the petition was again received, and the approbation of the present chancellor of the exchequer given for the adoption of the same measure recommended by his predecessor. A committee, thus constituted and appointed, accordingly sat, and after a deliberate investigation of the Evidence laid before them, with the examination of further evidence, made their report. Mr. Palmer, flattering himself that the report of this committee, so selected, could not but be approved, was much surprised and mortified to learn the disapprobation of the chancellor of the exchequer, and from this consideration, in the hope that, during the recess, the right hon. gent. might have the leisure to examine more fully into the merits of the case, Mr. Palmer was advised, and consented to a temporary postponement of his claim.—I am now, sir, to state my own conduct in this affair. On being returned to parliament at the commencement of the present session, I did myself the honour of waiting on the chancellor of the exchequer to learn his sentiments previous to any notice of a motion on the subject. Upon this occasion the right hon. gent. candidly told me, that he should oppose the measure; but on my remonstrating with him on the hardship of Mr. Palmer's case, that from having contracted with the government of the country instead of an individual, and being thereby precluded an appeal to its laws, he was even to be refused a fair hearing in the only court to which he could apply, the right hon. gent. assured me, that I had no apprehension to feel on that account, as however strongly he might express his own opinion, (and he did not mean to flatter me, but that it would have considerable weight), he was far from wishing to impress that opinion against the conviction of those who were disposed to think well of the claim; and that, if the house decided in its favour, he should be perfectly contented with having performed his duty. The right hon. gent. confirmed this assurance, and satisfied me, beyond a doubt, of the candour of his intentions, by quoting the case of a grant to Dr. Jenner, which he stated had been carried in the previous session against an individual but strenuous opposition on his part.—I thanked the right hon. gentleman very sincerely for his liberality, and told him at the time, that however I lamented his unfavourable impression, and sensible of the influence it must carry, that my own conviction of the justice of the case assured me of its success. At a second interview with the right hon. gent. previous to the Easter vacation, on submitting to him a notice of the intended motion, he obligingly again confirmed the consent of the crown given by the former and present administration; and on my stating that I had repeated the substance of our former conversation to many who had been anxious to learn his sentiments, the right hon. gent. fully admitted it, and strengthened the opinion I entertained of his sincerity. Surely then, sir, after such professions, it was natural for me to hope, upon the discussion of this question, of which so long a notice had been given, and to which I had earnestly intreated the attendance of every individual member, that the right hon. gent. who had equally solicited the attendance of his own friends on the occasion, would have considered the decision of so large a majority in favour of the claim as conclusive of the sense of the house; and that I should at least have experienced the same candour on the part of government, in carrying that decision of the house into effect, which had induced the consent of the crown in the first instance; for I must think it hard, after having overcome what I conceived and fully understood from the right hon. gent.

would be the only difficulty, I should since have been exposed to greater trials, and in which I seem but to have succeeded to embitter the disappointment I am at last to suffer. It is urged, that I have caused the necessity of the present motion, by sending the bill for Mr. Palmer's future per-centage to the lords; but this should be considered the act of the house, and not mine: for how was I to do otherwise than adopt that mode of carrying the previous votes into effect, which had been decided by a large majority; viz. to move for the arrears in a committee of supply, and to bring in a bill for the future percentage? Nor was an idea then entertained, that the arrears once voted in the supplies could be withdrawn. The bill was therefore brought in as matter of course, and which, in the possible event of being thrown out by the lords, might be renewed in any future session. The moment it was hinted that the rejection of the bill in the upper house might endanger the arrears, all thoughts of carrying it there, on my part, were given up: the notice of the third reading was dropped, nor would it have met its fate with the peers, had not the chancellor of the exchequer himself thought proper to send it there, and for that purpose, by moving the third reading. I wish to express no opinion upon the conduct of the right hon. gent. but merely to stand acquitted with the house of having sought the difficulty I am placed in. With respect to the present motion, it is to be viewed in two points, as relating to the house, and to myself. For myself, I must object to it, nor could it be considered but as an act of folly, or hypocrisy on my part to give up what has been established as a right by the repeated votes of this house, for the purpose of bringing in a bill which every one knows must defeat the object it professes. The question, as relating to the house, is of too much consequence to calculate the interest of the individual, and I beg that it may not stand a moment in the way; the only favour I ask of the right hon. gent. is, that he will be satisfied in withdrawing the arrears, if it should be the pleasure of the house, and at least spare me the unnecessary trouble and mortification which the proposed bill must involve. Could I anticipate a fair consideration of the question, so far from avoiding, no one would more anxiously court the discussion than myself. I would submit it to the common sense of any individual in the kingdom who could only read the evidence, much rather to the most enlightened minds if allowed an impartial judgment. But, without meaning any disrespect to the noble lords, I feel it to be impossible; and that, were I in the same situation, either wholly ignorant, or but partially informed on the subject, with irresistible prejudices in favour of one party, and those which had been raised against the other—The hon. gent. being here interrupted by the Speaker, who stated, that it was contrary to order to allude to any discussion that had passed in the lords, concluded with saying, that he would no longer detain the house than to repeat his wish that, in the event of the arrears being withdrawn, he might not be compelled to bring in a second bill which must inevitably meet the reception of the first.

Mr. *Windham.*—Though I cannot, sir, forbear to give my testimony of approbation, in common, I am persuaded, with that of every other gentleman, to the manner in which the hon. member who has just sat down has argued and conducted this business in every part of its progress, and not less so upon the present than on every preceding occasion, yet I must contend that his endeavours ought now to be considered as wholly superfluous, so far as relate either to the merits of the case, or to any interest merely his own; and that the house, having come to a formal adjudication upon the subject, has nothing now to consider but the propriety or impropriety of defending its own decision. It is not a question at the present moment whether what the house decided was right, but whether having so decided, it can, as at present circumstanced, alter its decision. All that the right hon. gent. therefore has been labouring with so much effort, is nothing to the purpose. He has been ransacking the Journals, diving into the depths of parliamentary lore, wasting his time and his pains, and wearing out the eyes of his case-hunter, only to tell us, what nobody ever disputed, that parliament has on different occasions proceeded in both ways, sometimes by a separate bill, and sometimes by introducing grants of the sort in question into appropriation acts. We will admit, if the hon. gentleman wishes it, that the option between these two ways was in the first instance completely open to the house: but the question for us at present is, whether this option continues open to us now. The great edifice, therefore, of the hon. gent.'s learning, however curious and costly, has been raised upon grounds not belonging to the question, and will stand him in as little stead as the house of a man, who should have built, unfortunately, upon his neighbour's land. What is it to us what the house has done, on occasions similar even, if you please, to the present, but where it had not previously made its election, and where accordingly its choice might be free? We have chosen, and cannot now, without the most flagitious injustice, revert to the situation in which we formerly stood. It is needless, therefore, to inquire, what would be the value of the precedents, which the hon. gent. after searching back for near a century, has been thus able to rake together. I should say that out of the whole lot, excepting perhaps the case of captain Roach, there was hardly one of which any use could be made; and of that or any other that might upon the first view be thought applicable, how little do we know of the circumstances existing at the time, and which might have determined the house to one course or the other! It is enough for us to know, that the case in which we are called upon to act, is a case already decided, and decided by members now no longer present, and who have retired into the country, not from weariness or idleness, or from motives of liking or convenience, but from a firm and just persuasion that all the material business of the session, and unquestionably this part of it, was at an end; and who will feel good reason to complain, (as the house collectively and the country will have reason to complain), if, the moment they have turned their backs, the whole of what had been done in their presence, and which every one then considered as final, should be thus fraudulently and surreptitiously reversed. Never was there surely such a proceeding attempted, except one, and that, one should have thought, not of a sort which would have been resorted to as a precedent, the change I mean, which was made in the mode of proceeding against lord Melville. The sentiments excited on that occasion, were not of a sort to give much encouragement to those who might wish to have recourse to a similar expedient. I was as strong an advocate as any one for referring the trial of that noble lord, to the tribunal of the house of peers; but the act by which the house of commons changed its decision in that respect, and by trick and surprize recurred to impeachment after having formally and in a full house resolved upon another course of trial, was in my opinion a most scandalous proceeding, and was one accordingly which I opposed at the time to the utmost of my power. The objection is in one respect more strong in the present instance: because never surely was there a question on which the sense of the house was more fairly taken. What possible idea can honourable gentlemen have, when they talk of this as a party question? A question does not become a party question merely because members of a particular party vote for it; at this rate every question on which the house is unanimous must be a party question: but because members of a particular party vote for it and those only; and even then nothing is thereby decided as to the merits. I should have thought, indeed, that gentlemen on the other side would not have been so fond of describing as a party question, a question in which they have been five times beat, but would have been willing to allow something to the merits of the case, instead of ascribing the whole to the strength of their adversaries. Whatever their wish, however, may be, or whatever, and with more reason, might be our wish, the fact is, that the triumph of Mr. Palmer has not been the triumph of a party, but a triumph of truth and justice. And how indeed in the nature of things could it be otherwise? What possible means has Mr. Palmer of engaging in his favour the sentiments of the house of commons, but through the medium of the opinion which they may entertain of the merits of his case? What boons has he to dispense? What patronage does he possess? What 'advancement' does any one 'hope from him, who no revenue hath but his good spirits;' either to serve his friends or to contend against his enemies? The hon. gent. will perhaps tell me, that the case, which I had myself alluded to, of the duke of Athol, afforded an instance which I at least cannot dispute, where money had been voted to an individual, upon grounds not very satisfactorily made out. But the hon. gent. must not forget one circumstance, that the noble duke in question, to say nothing of his superior rank and station and numerous connections, before he convinced the house had succeeded in convincing the minister. Nobody ever denied, that the influence possessed in some cases by individuals might be sufficient to gain the assistance of a minister; or that the opinions of a minister might have some weight in determining the judgment of the house. The question is, what could an individual do, powerful as he might be, without that assistance? I have heard of a man who having made a bet that he and his companion would eat some extraordinary quantity of peaches, when the day came and his friends were in despair, changed all the odds in his favour by tendering for his companion a lean sow. It would be no wonder, if with such an associate, the bet was won with ease. But what would the eater have done without his friend? What would the duke of Athol have done without the minister? And still more, what could Mr. Palmer have done, supposing his cause to have been a bad one, not only without the minister, but with the minister straining every nerve, and calling out 'party question' against him? I suppose an instance could hardly be found, even in the compass of a period as long as that which the hon. gentleman has taken for his precedents, where a question had been decided bearing such certain marks of the real sense and genuine conviction of the house. Yet this is the decision, which we are now called upon to rescind, and in the circumstances which have been described. It is not an appeal from a thin house to a full one, from a hasty tribunal to one more considerate, from 'Philip drunk to Philip sober;' but quite the contrary: the appeal is made from knowledge to ignorance, from deliberation to haste, from a full and general attendance to a scanty and partial one. The bulk of those who had examined the subject and who had qualified themselves to decide upon it, are retired and gone, judging, as well they might, that the business was over, and their attendance no longer necessary. If their places are in any instances supplied, it is by gentlemen, many of whom we have the pleasure of seeing now for the first time since the commencement of the session, and who, having been brought to town unexpectedly, by business no doubt of their own, are just in time to correct this abominable decision, which their colleagues, deliberately indeed but most unadvisedly, had come to. I must, however for my part, formally enter my protest both against their judgment and their jurisdiction. I must both affirm the propriety of the former decision, and utterly deny their competency to reverse it, in the circumstances in which they are placed, even though the former decision should in the first instance have been ever so objectionable. At this rate, however decided the majority and deliberate the discussion, there is no determination, which the house can have come to during the course of a session, that may not be set aside at the end of it. I protest against the measure proposed, as one of the most disgraceful to the present character of the house, and dangerous by its example, that the house could well be called upon to adopt.

Mr. *Hawkins Browne* observed, that this appeared to him a question wholly independent of the merits of Mr. Palmer's case. Acts of appropriation, he thought, ought not to be loaded with any extraneous votes. He must acknowledge, that he had not investigated the particulars of Mr. Palmer's case, and was therefore unable to form a judgment of its merits. Great difference of opinion had not only prevailed upon the subject of this vote in that house, but out of doors; and it was his opinion, that the other branch of the legislature should not be deprived of the opportunity of unrestrained judgment upon the measure. The hon. gent. then entered into a justification of the grant to the duke of Athol, and concluded with expressing a wish that the business should undergo every proper discussion.

Sir *Thomas Turton.*—Sir, I never rose to submit my observations on any question before the house with greater feelings of concern, or indignation, than I now do on the very extraordinary speech and motion of my right hon. friend. Before I enter on the subject of it I cannot avoid making some observations on the consistency and liberality of the hon. gent. who has just sat down. He prefaced his speech with the acknowledgment 'that he had not been able to investigate the particulars of Mr. Palmer's case, and was therefore unable to form any judgment of its merits,' and yet after this confession, the hon. gent. has had the candour and justice to give a decided opinion on a case, on the particulars of which he has avowed his ignorance. The hon. gent. cannot take it amiss, that I am not inclined to give much weight, or to pay much respect to an opinion so formed. But the hon. member is certainly correct in observing that these merits and claims (on which, however, he has stept out of the way to pass his judgment) cannot affect the vote of to-night, for as the right hon. gent. opposite (Mr. Windham) has observed, whatever may be the event of the present motion, those claims will remain unshaken, that debt for ever due to Mr. Palmer by the recognition of this house. The question this night to be decided is, the unwarrantable conduct of his majesty's ministers. Sir, the chancellor of the exchequer, in support of the motion, has quoted the authority of Mr. Hatsell; that is an authority so respectable, that I cannot help reminding the chancellor of the exchequer how unequivocally that authority reprobates the conduct of ministers who give the consent of the crown to measures they mean to oppose. I think he stiles it unparliamentary and unconstitutional. In this case if we could not expect support, the minister ought to have been neutral. Let us see how his conduct has been consistent even with this. Sir, the proceedings on this subject, down to the fifth and last decision of the house, are fresh in every one's recollection, nor can it be forgotten by the house or the public, that after all the sophistry and ingenuity, after all the fallacious arguments which have been used to mislead and confound the judgment, parliament, in the name of the people of Great Britain, has declared by majorities as respectable and independent as ever carried any motion within these walls, 'That Mr. Palmer is entitled to the advantage of his contract.' I should have hoped, sir, that his majesty's ministers, however pertinacious in their opinion, however mortified by a result so contrary to their expectations and to their usual fortune, would at last have learned, from the steady and honourable resistance to their unjust conduct, a lesson of submission to the so often expressed voice of the parliament. Indeed, sir, I must acknowledge that when I saw this notice on the order book, I was prepared for the withdrawing it, and I really came down to the house under the expectation of it. I cannot, even now, think it will be persevered in. Is a conquest by government, over an individual, the object? Can such a conquest produce a gleam of satisfaction amongst the weakest minded of them? Will they dare to boast of it to this house, which by this motion they have openly insulted; or to the country, who by their representatives, called to the subject by long and repeated notices, with all the documents before them on which to found their opinion, have sanctioned Mr. Palmer's Claim, have recognized the debt and obligation of the country to him, to the extent of the vote in his favour.—But, says the right hon. mover: 'The house having allowed the Claim of Mr. Palmer, it is only to the mode of voting this sum, that I object: you have put this sum into the Appropriation act, and I am apprehensive that by this means you will endanger passing the supplies of the year through the lords, the consequence of which must be obvious, whereas by the adoption of my present method, you give the other house an opportunity at least to discuss and examine the subject, independent of the other matters which would be affected by it, if they throw out this grant, and in asking this, I am violating no practice or usage of the house, which has frequently adopted this mode on similar occasions.' Sir, I only pray, that I may have patience to examine these reasons, these pretences which have been urged for a line of conduct, which the more it is examined into, the more unfounded in fact, the more disgraceful to its proposers, will it be found. From the first moment in which the intention of his majesty's ministers was announced, I have been afraid to trust myself with the discussion of the subject, and I must confess that during the speech of the right hon. gent. below me, I have with difficulty restrained the impatience and indignation I have felt of the grounds on which this abominable treatment of the house, as well as of the individual, has been justified. Have I not need of patience, sir, to hear it said, that whilst justice to the individual is considered in the mode proposed, the interests of this house and of the country are dependent on it, that it is conformable to the constant usage and practice of it, and that it is in form, not in substance, that this measure differs from the one which the house has already adopted? Well, sir, I have no objection to meet the chancellor of the exchequer on this statement, or that the judgment of the house shall come to an issue upon the truth or fallacy of it. Does the right hon. gent. seriously mean to state that no substantial difference exists between the mode proposed by him, and the one now adopted by the house? Will he even promise, that he and his majesty's other ministers will give their influence and votes to this adopted child of his? Will he give his word to the house, that it is not his intention to strangle this progeny of his, the moment, or within a few days of his giving it birth—when he gets it out of this house? If he will give his promise of support to his own bill, I can have no objection to its substitution. Do but justice to the individual, respect but the wishes of this house, and we will not quarrel about forms. But, sir, if there could be any doubt what the conduct of government will be, let us look to what has been that of the right hon. gent. already. And here I must directly charge the right hon. gent. with a want of courtesy, an outrage on the common forms and usages of this house from one member to another, which, short as is my experience in parliament, I will venture to say has no parallel. A bill is brought in by me for the payment of the future per-centage due to Mr. Palmer, I move the first and second readings of it, in the presence, and with the knowledge of the right hon. gent. Suspecting strongly from the earnestness of his majesty's ministers to have the bill read a third time, coupled with symptoms which appeared elsewhere, that the object of ministers was to pass the bill here, with a view of strangling it in the lords, I declined moving the third reading of it. In my absence, the right hon. gent. comes down to the house, and himself moves the third reading. He takes it straight to the upper house, and there it receives the death-wound he had prepared for it.—Sir, I do not deny that it is competent to any member to move the reading of a bill introduced by another, in any of its different stages; but, I will ask, is it consistent with the courtesy one has a right to expect from one gentleman to another within these walls? Is this finesse, this trick, as it now appears, worthy of the minister or the man? But even this is not equal to the hypocrisy and duplicity, which would seriously urge this measure, as one only of form, not of substance, which would represent it as doing justice to the party concerned, whilst its sole object was to avoid the danger of misunderstanding between the two branches of the legislature. Will the chancellor of the exchequer avow that such is his sole intention? I am sure he will not; he knows that his intention is, by this subterfuge, by this unworthy proceeding, to defraud Mr. Palmer of his just rights, and to counteract the intentions of parliament so often expressed.—Sir, the insult to the individual, by this argument, and by these pretences, is trifling in comparison with that with which he dares to treat the house. After having been five times told, in the independent language of parliament, that if individuals cannot obtain justice out of doors, they shall within its walls; even from the minister himself, supported as he needs must be, with great and commanding majorities on most occasions, one should have hoped, and expected, that the decent respect due from him to the voice of parliament, expressed through organs, which could be only influenced by the principles of justice in voting the public money, would have induced the right hon. gent. to bow to an authority so satisfactory and convincing, so entirely exonerating him from all responsibility, or at least, that he would not have insulted the house, by an open disregard of its votes, by this sovereign contempt for its decision, by coming at this late period of the session, when most of its independent members are out of town, and the friends and dependents of government composing the greater part of the house. Was ever so marked, so contemptuous a disregard of the voice of parliament? Was ever so unworthy a finesse practised by the first minister of the government on the house?—So much for the manner in which the right hon. gent. has brought forward this motion. And now, sir, as to his justification on the score of precedent; he has certainly favoured us with a number of precedents, of special bills, brought in for grants to individuals, which he tells us are applicable to the present case; and, he adds, "that it is not "even a general, much less an universal, "rule to include such grants of money in "the appropriation act."—Sir, I am now at issue with the right hon. gent.; for I maintain, and I defy the disproval of my assertion, that there is no one instance, on the journals of your house, of a sum of money, due as a debt to an individual, which has not been voted in the appropriation act. I will put the whole of this case on the truth or falsehood of this assertion; no one will dispute that this is a debt due from the public to an individual; an acknowledged one, recognized by the votes, and solemn resolutions of this house. It must, therefore, be voted in the manner all similar sums are voted. But what are these precedents of bills, which are said to apply to this case? I really am astonished that the right hon. gentleman should insult our understandings, by attempting to impose these cases on us as in any degree similar to the present. What was the case of Mrs. Stevens? a conditional remuneration? Mr. Philips's the same. The condition unperformed, the remuneration would not be bestowed. How, but by a bill, could such a grant be made? 'But,' says the right hon. gent. 'these were certainly conditional, and I am afraid do not quite apply;' but then he adds, triumphantly, 'the case of Mr. Roche was an absolute debt, money acknowledged to be due, and yet a bill was brought in for this purpose.' Now, sir, if this be the case which is to direct our votes to night, the right hon. gentleman must shew, that it is entirely applicable to the one in question. Most certainly the right hon. gentleman has a great advantage over us, in the production of cases which we have not the opportunity of examining; but here the right hon. gentleman has stated particulars enough of this, to shew that it has no more analogy to Mr. Palmer's case, than their treatment of him has with equity and justice. For, what is this case? A sum of money, he does not say for what purpose, is originally voted to be paid, not in the usual way, but out of certain forfeited estates, the property assigned for payment turns out not productive to the supposed extent; and, therefore, the house is called upon to make good the deficiency. From the peculiar nature of the fund to pay the grant, the remedy for the deficiency of that fund would, of course, be by bill, because it would recite the former grant, and the cause of the second application. How, then, is this in the least applicable to Mr. Palmer's case, which is a debt voted to be paid out of the supplies of the year; and, according to the usual practice, put in the Appropriation act? Sir, I will not take up the time of the house by going further into these flimsy precedents, which are insulting to our understandings if it is pretended that they apply to the present case.—I will only ask one question of the right hon. gentleman on them all: Is there one of them, wherein the minister, professing to act with justice to an individual, whose general merit he recognizes, introduces a bill for a grant of money to him, with the certainty that it will be thrown out in the lords, and with the intention of using his endeavours, and those of his colleagues, that such should be the fate of it? If he has not such a case, he has none applicable. Sir, I have only now to trouble the house with a few words on the apprehended danger in the lords, if this vote goes to the upper house in its usual way. If there is any danger, who have occasioned, who have invented it? his majesty's ministers. Have they not the means of averting it? Will they, with their tenderness for our mutual friendship, exert those means of preserving it they have in their power? If so, do they doubt of success? I think not. Sir, I must acknowledge I feel disgusted with the whole conduct of ministers, from the commencement of this business; I have usually given them my support, they have now my complete reprobation. When I look round the house, and see the extent and nature of the attendance this night, I have no doubt of the event of its vote; I see the whole force of government exerted to obtain a triumph, but which, when obtained, will disgrace them. For, what is it? the success of government in the oppression of an individual, who, even in their estimation, is a most meritorious one; but this is the least part, it is a triumph obtained by finesse and stratagem over the reiterated sense of a great and independent majority of this house. Will such a triumph increase the credit of government out of doors? And this, sir, done in violation of, and with a sovereign contempt for, the forms and usages of this house; forms and usages which, to use the words of the right hon. gentleman himself, when he assisted in placing you, sir, in that chair, so honourably and usefully filled by you, 'are the very essence of the constitution.' Will this raise the credit of government within doors? Sir, I have done. I am wearied with the subject; I never discussed one with more pain and regret. I have not been long a member of this house, but, I confess, that my respect for its character has not been increased by what I have witnessed in the course of one short fortnight. The weight of government, and the votes of ministers, given in defence of a delinquency, no one of them, except a noble lord (Castlereagh) implicated in the guilt, dared to defend; and every engine of oppression, every finesse, and unworthy manœuvre practised by the same government, to defraud a meritorious servant of the public, not of a reward, not of a claim, but of a debt due and acknowledged by this house; two such instances, I must acknowledge, have not raised either the house or ministers in my estimation. I am, indeed, heartily sick of both. Let me, however, conjure the house to preserve its consistency and character, by rejecting this motion, as unworthy its countenance. You have already resolved, that Mr. Palmer is entitled to this money. Defeat not this resolution by your vote of to-night; recollect this gentleman is not asking you for a pension for political services; he asks you not for a reversion to those who can have personally had no merit; he does not even ask you for the payment of services, not commensurate with the reward; he has bargained with you for 50*s.* on every hundred pounds which his ingenuity and industry have procured you. Will you deny it to him, after having five times determined his right to it? If you do, I shall repeat what I have before said, that a man had better take the bond of the veriest swindler of the country, than the verbal contract of a minister. Sir, I trust the house will not countenance this motion; that it will not be alarmed at the apprehensions ministers have expressed, and which they know how to allay. I apprehend no rupture between the houses, why should there be any? But if there was a danger of it, is that to deter us from doing our duty? Let us, at least, do our part of the justice due to this individual, fearless and disdainful of the consequences, *fiat justitia, ruat cœlum.* An honest man has but one line of conduct here, let him do his duty as a representative of the people, as an honest and conscientious member of the British senate. Sir, I sit down, with the most complete reprobation of this motion, and by giving it my unqualified and determined negative.

Mr. *G. Johnstone* defended his right hon. friend the chancellor of the exchequer from the imputations of the hon. baronet, who, if confirmed in the opinions he expressed of his right hon. friend, ought not to have addressed him as he had done. He thought his right hon. friend deficient in firmness and decision in not refusing, in the first instance, the king's consent to Mr. Palmer's application; but when he did give this consent, he had distinctly stated, that he gave it only that the question should be investigated, and at the same time declined any pledge upon the subject. All the cases quoted by his right hon. friend appeared to him to be perfectly in point. He then contended, that the measure should be sent up to the lords in a shape in which that house should have an opportunity of exercising their unfettered discretion and judgment.

Mr. *Tierney.*—Sir; I congratulate the chancellor of the exchequer on the splendid figure he makes in the estimation of two of his leading supporters. By the one (sir T. Turton) he is described as having exerted all the influence of government to bear down and overpower a meritorious individual, and, by surprise, to strangle a claim confirmed by no less than five separate Resolutions of the house. By the other (Mr. G. Johnstone) he is charged with a want of firmness and decision, in not refusing, in the first instance, the king's consent to Mr. Palmer's application. Both his friends have aptly characterized his conduct on the present occasion. If he really thought the vote of the house in 1797 had equitably and finally decided on the merits of Mr. Palmer's case, it was his duty, and he ought to have had firmness enough to discharge it, not to have allowed his majesty's sanction to be given to any renewed discussion of the question; and, on the other hand, after having seen Mr. Palmer's Claim, when again brought forward, recognized and solemnly confirmed as a debt of justice, by five distinct votes of the house, the expedient he now has recourse to, to defeat our determinations, exposes him, and most justly, to the severe and unqualified censures heaped upon him by his hon. friend, the worthy baronet behind the treasury bench. It is, indeed, a dark and unworthy attempt, to endeavour, by the weight of government and by a secret manœuvre at the end of the session, and in the absence of those who have long since left town under the natural impression that Mr. Palmer's Claim was definitively carried, to frustrate the wishes, and substantially to discredit the Resolutions of the house of commons, which when the attendance of members was full, and the subject fairly before us, the right hon. gentleman could neither resist nor set aside. I must presume he means to give the house a warning of what it is to out-vote a chancellor of the exchequer, and to convince us, that such a proceeding is not to be had with impunity. His pride has been offended, and parliament is to pay the forfeit. That he should have felt mortified, I cannot doubt, for I believe no other chancellor of the exchequer was ever five times in a minority on a grant of public money; and the reason is obvious, namely, that his majesty never, till now, gave us a chancellor of the exchequer who had not the prudence to abstain from proposing that which was not likely to succeed, or the wit to take an early hint and retreat while he could do it without disgrace.—The question is, Whether a vote in the Committee of Supply of a grant of money for the payment of a debt declared to be due to an individual, should form an item in the

Appropriation act, or be made the subject of a separate bill. The object of the mode proposed by the right hon. gentleman, viz. a separate bill, is to give the lords an opportunity to defeat the grant, without that degree of public inconvenience which would result, if, being sent up to them in the Appropriation Act, they were, by way of amendment, to leave it out; the consequence of which must be, either a total stop to the supplies of the year, or an immediate prorogation and a new session.—The right hon. gent. endeavours to defend his measure by precedents, and a curious collection he has produced. Here Mr. Tierney recapitulated and commented upon all the precedents which had been cited, in order to shew, that only one of them in any degree applied to the case in hand. That was a vote of 1,200*l.* in 1781 to a Dr. Smith, for his care in visiting certain hospitals, and was made the subject of a separate bill, instead of being put, as, said Mr. Tierney, it ought to have been, in the Appropriation act of the year. What induced the house in that case to depart from the established usage, I know not, but this I know, that that proceeding was warranted by no direct precedent then existing, and that it has not itself been adopted as a precedent in any one instance since. What I contend for is, that according to our established practice, the grant voted to Mr. Palmer ought to be sent to the lords in the Appropriation act; and even if the right hon. gentleman had, by the diligence of some industrious clerk, been enabled to pick up two or three stray precedents in the course of the last hundred years, it would not justify his present attempt, which I maintain to be in the teeth of the broad line of policy which has regulated the proceedings of the commons for above a century, and upon which your opinion, sir, has lately been given in a manner so clear and forcible, that it would be presumptuous in me to do more than to quote your authority for the doctrine for which I am contending. It is, however, material to remind the chancellor of the exchequer, that but a few weeks have elapsed since, on this very question in another shape, by that authority he regulated his own vote.—But, it is asked, whether we would exclude the lords from exercising their judgment on this grant to Mr. Palmer, without being obliged, if they differed from us, to alter the Appropriation act, and thereby, in effect, to stop the whole supplies of the year, and then we are favoured with a display of tender anxiety for the situation in which their lordships will be placed, if we reduce them to so painful an alternative. My answer is, I ask you to do no more than what the established practice of the commons, acquiesced in by the lords, warrants, and I have no parliamentary grounds for believing that the lords would, on this occasion, depart from their own established practice, and for the first time alter an Appropriation act. I will not admit that I am to be called upon to assign the reasons for the commons pursuing a course which some may chuse to call an encroachment upon the lords. It is sufficient for me to know, that the course which I suggest is that which has been hitherto practised without inconvenience or remonstrance. Where shall we end, if once we begin to discuss the justice and propriety of the privileges we have long asserted? You may ask, why the lords should not as well as the commons, originate or alter a Money bill, and if you search the books, you may, perhaps, find some plausible arguments used on behalf of the other house, to prove that they have an equal authority with ourselves; but, the answer at this day is simple. We have long insisted upon this as our exclusive privilege, and the lords have long been content silently to acquiesce. By what right, it may be demanded, do we resolve that a peer shall not vote at an election? It is a sufficient answer that we have for a great length of time annually passed that resolution, and that, in fact, peers do not now claim to vote. I will not argue these and other questions of a similar nature. Practically, they are at rest; and education and habit have taught us to consider them as points established by the wisdom and firmness of our ancestors, which it is our duty to maintain unimpaired. At any rate, it is not here that a debate upon the propriety of them should begin.—I have shewn how unsuccessful the right hon. gentleman has been in citing precedents, to prove that grants of money to individuals voted in a Committee of Supply have been sent up to the other house in separate bills. It remains to examine what precedents are to be found in favour of their insertion in the Appropriation act; even when of a nature to excite discussion and probable difference of opinion, full as much as the grant to Mr. Palmer. The right hon. gentleman does not even pretend to have discovered a precedent to his purpose since the year 1781.—The case of a Dr. Smith has been mentioned, where the proceeding was by a bill, afterwards thrown out in the lords. An hon. gentleman, (Mr. Wilberforce) will recollect the case of another Dr. Smith, in 1804. Whether he was alarmed at what passed in 1781, I know not, but the hon. member, in order to save his medical friend from all danger elsewhere, after the Report of a committee of this house in his favour, moved an address to his majesty, praying that he would bestow on Dr. Carmichael Smith, the sum of 5,000*l.* and assuring him this house would make good the same. Here was 5,000*l.* given to an individual, without the fact being, in any form, announced to the lords; for all that came before them was, that the Appropriation act of the next year contained, in one item, a large sum 'to make good monies issued pursuant to addresses.' This included the 5,000*l.* for Dr. Carmichael Smith, and was voted in the other house without either question or difficulty: I mention this case, the rather as it may serve to comfort the hon. gentleman, and others who appear to think, that to put Mr. Palmer's grant into the Appropriation act would be unwarrantable, and betray a want of becoming respect towards the lords. Let them look into the Statute Book and they will take courage. They will find that the lords are much more reasonable than to-night it is the fashion to suppose them. In every session it will be seen, that their lordships have been content to sanction in the Appropriation act a large sum of Supply, of the nature and application of which they knew nothing, but that it was to replace payments made pursuant to addresses of this house. I know of no form which would stand in the way of an address to his majesty in favour of Mr. Palmer.—In 1805, Messrs. Chalmers and Cowie petitioned the house to indemnify them from a heavy loss they had sustained by the importation of herrings during the scarcity, at the suggestion of government. A committee was appointed to examine into their claim, and they had a vote for 25,000*l.* by way of compensation for their losses. This sum was inserted in the Appropriation act, which was passed by the lords as usual without any amendment; and yet what did the lords know, or require to know, of the claim of Chalmers and Cowie?—In 1805, there was a grant of 1,000,000*l.* to the East India Company, being on account of a debt due to them from the public, as reported by a committee of this house. This sum was also inserted in the Appropriation act, and was passed without difficulty by the lords. A grant on similar grounds of 1,500,000*l.* to the East India Company has been voted in the present session; and though made matter of much debate here, I have not heard that it is to be put into a separate bill that the lords may have an opportunity to discuss it; and yet their lordships know nothing of it, but that it is a debt declared by the commons to be due. So is Mr. Palmer's.—In 1804, a sum of 260,000*l.* was voted to the officers employed with lord Hood as the value of ships said to have been destroyed at Toulon. This sum, too, made part of an Appropriation act which was passed without comment, by the lords. Several grants to American loyalists, as compensation for losses sustained, will also be found in the Appropriation acts of the last ten years, and one to an amount of not less than 20,000*l.* in the present session. In all these cases, this house satisfied itself of the justice of the various claims preferred by the individuals, but did not think it necessary to give the lords any opportunity of discussing the merits of them, beyond what the Appropriation act afforded; neither did their lordships require it. If any thing were wanting to prove how little the commons have felt it to be their duty to consult the particular convenience of the other house, with respect to grants of money, it might be found in the sums annually voted for Maynooth College, which have been in the last and present session both increased and diminished. Maynooth College gentlemen know is a seminary for the education of catholic priests, and they cannot but recollect the various and interesting debates which took place in this house respecting the amount to be granted for its support; and yet, the chancellor of the exchequer himself consented to put the larger sum voted in the last session without comment or explanation into the Appropriation act. Why did he not bring in a separate bill? Does he mean to say, that the subject of a grant to Mr. Palmer is more interesting to the lords than the increase of catholic priests in Ireland? Does he not know that there are noble lords particularly alive to whatever relates to Maynooth College? Would he compel them to expose the Protestant Church to what they think the most dreadful additional dangers, or else to stop the supplies of the year? Sir, the chancellor of the exchequer must see, that he can only justify himself upon the principles I have been laying down; for, if I am wrong, and his doctrine be admitted, then were the hardships he imposed upon the poor lords with respect to Maynooth College, most wanton and intolerable, and all zealous protestants would feel it the more so as coming from the same quarter with the cry of 'No Popery!' But the right hon. gentleman takes this distinction; he says, and truly, that one part of the grant to Mr. Palmer, namely, the future annuity, must be provided for by a separate bill, and then he contends, that no instance can be produced where one part of a grant has been put into the Appropriation act, and the other into a separate bill. I answer by referring him to the case of lord Nelson, where he will find 90,000*l.* voted for the purchase of an estate to be settled on the heirs of lord Nelson, and 10,000*l.* to enable the first earl to compleat his establishment. The former of these votes was carried into effect by a separate bill, and the latter was confined to the Appropriation act. I will not trouble the house with more cases, though many might easily be adduced, to support the doctrine I contend for—that grants of money, voted in a Committee of Supply, without any prospective condition annexed to them, ought, according to the established practice of this house, to be inserted in the Appropriation act, and not made the subject of a separate bill. The instances I have quoted are sufficient to shew, that the lords have manifested no jealousy upon this head, and that hitherto they have been content to abstain from insisting upon that which to-night we seem desirous, unasked, to concede. Let it not be forgotten, that over the amount of the sums voted for the army, navy, and ordnance, the lords have no controul but by throwing out the Appropriation act. It is by that act only that they are informed of the number of seamen and soldiers annually provided for; and that provision they can neither increase nor diminish, without stopping the whole supplies of the year. In a war like the present, is the strength of the army and navy of less importance than the acknowledgment of a debt due to Mr. Palmer? It is asked, Whether we shall be justified in pursuing a course with respect to Mr. Palmer, which there is reason to suppose the lords will resist, and by their resistance subject the country to the inconvenience of an immediate prorogation and a new session. To this I say, first, that I do not believe the fact that the lords would alter the Appropriation act, notwithstanding what has been whispered about; and next, that, if they should, the responsibility is upon them and not upon us. We do no more than follow the established course of proceeding. It will be for their lordships to consider, whether, on their part, they will act discreetly in amending, for the first time, the Appropriation act, and thereby stopping the supplies. The lords and not the commons will produce the inconvenience; and it will be for them, therefore, to shew, that the case of Mr. Palmer is so different from any which has ever come before them, that it calls for an unprecedented exercise of power, and warrants an unheard of interruption to public affairs.—The merits of Mr. Palmer's Claim are no longer before us. They have been solemnly decided upon by five distinct resolutions of the house, supported by gentlemen of different political parties and opinions. What relates to Mr. Palmer is, therefore, disposed of, and the question now is, whether the house will carry into effect, according to the established course of its proceedings, its own deliberate decisions. It pleases the chancellor of the exchequer to move for leave to bring in a separate bill on the part of Mr. Palmer, not only without his consent but against his express desire. The right hon. gent. will not, I am sure, deny, that his object in so doing is to defeat the determination of the house, by enabling his friends in the lords with the more ease to crush an individual whose claims on our justice, with all his exertions, he has not here had sufficient strength to resist. Our vote of this night will shew, whether we can stoop to be made the instruments of such a manœuvre; whether we can be brought to throw discredit upon our own resolutions, and from an unworthy apprehension of the power of the lords be induced to adopt a course derogatory to the privileges of the commons.

Mr. *Bankes.*—Sir, I cannot, I must own, discover any reason why the lords should be debarred the liberty of examining a subject like this, founded on the existence or non-existence of a contract, especially when they have the right of administering oaths to extort truth, at the bar of their house, and especially as there are so many cases produced to show that this is not an unusual mode of proceeding. I have paid great attention to the conduct of his majesty's ministers in this affair, and must own, I cannot perceive in what respect it has merited the severe reproach cast upon it by hon. gentlemen.—Sir, as I consider Mr. Palmer's right to what he claims, to be confirmed by the votes of this house, it would be useless for me to repeat the opinion I have already expressed, especially as the present question is certainly unconnected with the justice or injustice of the case. As I approve of the present motion, I shall give my voice towards its being carried into effect.

Mr. *Ponsonby*.—Sir, there is certainly no necessity for calling on the other house to interfere in an investigation like the present. This house alone is the best judge of the appeal; here is now no question of interpretation of contract, but a plain question of fact already determined by a decision of this house; but the right hon. gent. in contempt of that grave decision, established by five distinct and large majorities, has made his present motion to the house. The right hon. gent. I think acted right in giving the consent of the crown, if he had intended to support the measure, or at least to have stood neuter; but his conduct has been extremely faulty in giving the house the trouble of debating a question like this, when he was determined that their endeavours should be frustrated in the manner now proposed.—The hon. gent. who spoke last says there are many precedents in support of this motion; now, after a most diligent search for upwards of one hundred years, there are just six produced, and even those have scarcely any connection with this question; yet the honorable gentleman appeals to the number of precedents in support of the motion! The same hon. gent. advises caution in our proceedings, for it would be extremely inconsistent (he says) to compel the lords to grant the arrears, when they have rejected the future remuneration. Now, that they would reject the arrears also, is certainly a *non sequitur,* for they might think this sum a sufficient reward, and the future grant too much. I do not say it is very probable, but it is certainly very possible.—This certainly is the first time I ever heard the house of commons should pursue a measure contrary to its own resolutions, merely out of compliment to the lords. The method of tacking bills, as it is called, to the Appropriation act, may, certainly, in some instances be mischievous; but if this house had not been pretty firm in money affairs, it would, ere this, have lost one of its greatest privileges.—For what motive, sir, did the house declare its favourable opinion on this case, in nine different debates? Why, that Mr. Palmer should be paid his debt; and, for what motive has the right hon. gent. made this motion to the house? Why, to render nugatory that well weighed and repeatedly pronounced decision. I think the house must be strangely infatuated to cringe thus to the house of lords. If the house thought their vote was wrong, surely the most manly way would be to rescind that vote; but, no; the right hon. gent. has not brought forward one single argument to invalidate the grant in any respect, and surely it will require some stronger motive than the obstinacy of a chancellor of the exchequer, and a few straggling unsuiting precedents, to induce this house to act in the mean, shabby, and evasive manner he has proposed to us.—The right hon. gent. was placed by his sovereign in the situation which he now fills, with the hopes, that his conduct would be such as would engage the confidence and conciliate the support of this house. Now, I will ask the right hon. gent. whether he thinks any part of his conduct towards Mr. Palmer has been calculated to effect either of those intentions. No; for it is impossible the house can have any confidence in the man who is placed here as the guardian of their rights, when they see that very man the first to attack their liberties, and to endeavour to rob them of one of their dearest privileges.—It is ridiculous, sir, to dispute Mr. Palmer's demands, upon the ground of his not deserving them. His services are not dubious. No, sir, they are self evident. He only claims, what the house has repeatedly acknowledged to be his stipulated due, viz. 50 shillings for every 2,000 that he gives you! Sir; this house never agreed to a money bill altered in the most trivial way by the lords, yet this motion is really inviting them to throw out our own bill. Then, surely, the motion which may produce such a consequence, we should treat with indignation. If this house once doubts its exclusive authority over money affairs, it gives up its own and the public's greatest boast, a power which forms the very basis of the liberties of England. Will the chancellor of the exchequer declare that he has any other motive for bringing forward this motion, than a wish to defeat the vote of this house? And to effect that wish he has acted in the most unmanly and unworthy way, and has concealed his intentions because he had not weight nor argument enough to convince the house that they were acting wrong. As the right hon. gent. is so very expert in rummaging out precedents, I wish he would show me a precedent of a chancellor of the exchequer ever having acted, since the revolution, in the way he has done towards Mr. Palmer. Sir, the magnitude of Mr. Palmer's services are universally acknowledged, his demands are completely ratified, and if the house supports this motion, it commits an act not only dangerous to the privileges of parliament, but also to the privileges of the people.

Mr. *Rose* said that if there was a necessity for more precedents he could certainly produce them. The object of this motion was to give the lords an opportunity of judging of the merits of Mr. Palmer's Claim. The majority of grants made to individuals were by separate bills, and not by a clause in the Appropriation act. As a proof of this, the right hon. gent. cited the grants to Dr. Smith, Mr. Phillips, and Mr. Stephens. He was extremely sorry that he was again obliged to allude to Mr. Palmer's official conduct, but really, after the perusal of the letters written by Mr. Palmer, and after examining the evidence before them, how the house could have supported Mr. Palmer as it had done, was to him a matter of great surprise.

Mr. *Fuller,* with considerable warmth, declared that the lords had not the least authority over Money bills, and as long as he had a vote they should never interfere in that or any other established right. The house of commons alone was the proper guardian of the public purse. He was very sorry to see the hon. gent. (Mr. Bankes) so captious and fretful, when his own bill was lately thrown out of the other house, and he was more so, when he saw him lend his countenance to a measure like this, entrenching on the dearest privileges of the constitution. The hon. gent. seemed to think that his opinion would have a great effect on the house. It reminded him of a beautiful passage in Shakspeare. 'His quiddities and cranks mantled like a standing pool,' and again 'I am sir Oracle, when I speak, let no dog bark.' Though he was decidedly of opinion that Mr. Palmer's Claims were founded in justice, he did not think they were at all at stake that night, but that the house should use every effort to maintain its dignity and insist upon its privileges; for if they supported the motion of the chancellor of the exchequer, they would be looked upon as the poorest and most submissive creatures in existence.

Sir *Francis Burdett.*—I would not, sir, at this late hour, trespass on the patience of the house, had not the right hon. gent. opposite (Mr. Rose) reflected on Mr. Palmer's character, in a manner which, so far from being justified by the evidence, is completely refuted. The right hon. gent. has again reverted to his favourite argument of the letters; and from them has attempted to infer that Mr Palmer did not act with integrity. Now, my lord Walsingham was asked by the committee, whether he had ever any reason to doubt Mr. Palmer's personal integrity? the noble lord's answer was, "No, never in the smallest degree." And my lord Chesterfield, to the same question, gave exactly the same answer; and these were the last persons to be supposed favourable to Mr. Palmer. Is it, then, to be supposed, that if any circumstance had occurred to justify such an assertion, that they would have withheld the publication of it? I think those letters contain nothing but what is very excusable; for when we consider, that Mr. Palmer had embarked his honour, his reputation, his fortune, and every thing that was dear to him, on this undertaking, and that if it had failed, every thing he had staked must fall with it, we can hardly imagine he would have expressed himself more mildly in a confidential letter of those, who, he had good reason to believe, were using every endeavour in their power, under the veil of office, to thwart his plans, destroy his hopes, and render abortive all his expectations of realizing the great considerations he had ventured on his success. Yet even admitting Mr. Palmer's alleged indiscretion beyond a doubt, the public word is given, and it must be redeemed or forfeited by the conduct of this house. Mr. Palmer's deserts and the equity of his demands have been copiously debated, and have been honourably confirmed and admitted by five very large majorities. They must, therefore, be considered as entirely separate from this night's contest. We are this night to assert or resign a privilege, which has always been considered a peculiar and established right. I do think it a most impolitic step, if we resign one inch of our peculiar liberties: for surely there cannot be discovered a more dangerous, a more mischievous precedent, than yielding ever so small a concession, to the other branch of the legislature in pecuniary matters. For the sake of its own privileges, its own dignity, its own consistency, the house should reject this motion, especially when it is obvious that the design is to set at nought and reverse an opinion, solemnly declared and delivered by the house on five different nights.

Mr. *Burton* denied that the general merits of the case of Mr. Palmer formed the question now before the house. The only question was, how the vote passed by this house, and to be adhered to so far as this house was concerned, should be sent to the lords, whether in the Appropriation Act, or in a separate bill. He maintained that all the circumstances of the case particularly called for a separate bill.

Mr. *Whitbread* wished that the Speaker was at liberty to enter into the debate and give some opinion as to the accuracy of the proceedings of the chancellor of the exchequer, but the right hon. gent. had prudently availed himself of the silence imposed upon that great authority by his being placed in the chair: he had valiantly marched to the attack of the battery when the great gun was spiked: for as to the precedents he had produced, he did not think they gave the least support to the correctness of the right hon. gent.'s conduct.—The hon. gent. besought every member who heard him not to be cajoled into the idea that it was the intention or wish of the chancellor of the exchequer that the present bill should pass the house of lords. What was his conduct as minister of the crown? He came down to the house and moved the passing of a bill, for a grant which he professed to disapprove. Surely, the right hon. gent. placed himself in a very aukward predicament; for it must be his intention either to cheat the public or to cheat Mr. Palmer. If the grant was an unjust one, he cheated the public; if the grant was right, by the trick resorted to, to defeat it, he would cheat Mr. Palmer. He was very happy to see an hon. and learned gent. who had been so long absent from the house on account of his indisposition, in his place, as he was sure the name of sir Vicary Gibbs would be added to the supporters of Mr. Palmer's Claim, as he had the precedent of his predecessor who had also supported it, who acted without the same favourable occurrence of having the late attorney general to set him the example. The chancellor of the exchequer had said, he was fearful if this grant was included in the Appropriation Act, that the lords might reject the whole bill: but, were his majesty's ministers weak enough in understanding to imagine such a thing: or were they weak enough in power to allow such a thing? But, even if they did reject the whole Appropriation bill, that might be recovered, but the honour of the house could never be restored, if Mr. Palmer's Claim was not discharged. The present motion was for the purpose of entrapping the house, as many hon. members had quitted town under the idea that the business had passed the house and was completely settled. He thought if the right hon. gent. gained the victory, it would be a victory over the house of commons, over the constitution, and whatever of law and justice remained in the house.

Mr. *Canning* said, the merits of Mr. Palmer's case formed no part of the question before the house. The only question was, in what manner the house should carry its decision into effect? The precedents were not all on one side. There were some for the course proposed by the chancellor of the exchequer, and the house was free to follow the line that should please it. He censured the objection to referring the whole question to the lords, because that house could examine witnesses on oath to the matters of fact. He insisted on the constitutional impropriety of sending the present business to the lords, otherwise than in a separate bill.

The *Chancellor of the Exchequer* denied in his reply, that giving the recommendation of the crown so as to bring a measure under the consideration of the house, implied an obligation to support it in its progress through the house. He also vindicated his conduct in proposing this bill, on the knowledge that the house of lords was examining the agreement with Mr. Palmer.—The house then divided:

For the Motion - - -	186
Against it - - -	63
Majority - -	—123

HOUSE OF COMMONS.

Friday, June 24.

[State of the Empire.] Mr. Wharton brought up the report of the committee on the Appropriation bill. The amendments were read a first and second time. On the motion, that they be agreed to, Mr. *Whitbread* rose, and expressed himself to the following effect:—Mr. Speaker; As the session appears hastening to a close, I am desirous of putting to his majesty's ministers some questions, with respect to the various internal and external relations of the empire, which, it appears to me, to be more convenient to state collectively, than to make them the subjects of separate discussions in this house. For this purpose, sir, I should have availed myself of the opportunity which the Vote of Credit afforded me, had I not been apprehensive, from circumstances of which the house must be aware, that such a proceeding at that time would have led to a discussion which, in my opinion, was to be deprecated. But, sir, by the usages of the house of commons, many occasions arise in which questions of the nature to which I have alluded, may be put to his majesty's ministers, and the reception of the report of the Appropriation bill is one. I shall therefore take advantage of it.—Sir, the present session has been a very laborious one, and has extended to very great length: as much business has been done in the course of it, as was, perhaps, ever done in any preceding session of parliament. Not only, sir, has the attendance of members in the house itself, been most assiduous, and at the same time highly creditable to themselves, but also their attendance in the committees assembled upon matters of the deepest national importance. By the committee on the West India trade, a Report has been made, on which a bill was introduced into parliament, of which, as it has now become a law, I shall only say, that I hope and wish it may conduce to afford the relief to the West India Planters predicted from it; and I trust, sir, that the subsequent Reports which have been presented from the same committee, will meet with a serious investigation, and that every effort will be made to remedy the evils which they point out. The Committee on the Affairs of the East India Company have made a great progress in the execution of the task entrusted to them. I think the public has a right to expect that the Accounts between the government and the East India Company are finally closed; and that the latter can have no further claim on the former. Long as the session of parliament has been, it certainly has been somewhat shortened in consequence of the recommendation of the right hon. gent. opposite to me (Mr. R. Dundas) to the East India Company, not to press for any assistance by loan or otherwise during the present session. I trust, sir, the right hon. gentleman near him consented to this postponement on a deliberate view of the subject, and that he will not be disposed, during the recess, to give way upon any alleged motives of temporary convenience. Early in the next session the subject may be brought under our consideration, and it will then be for the house of commons to decide upon it.—Sir, the result of the labours of another committee, of which I had the honour to be chairman (the Lottery committee), has been this day presented to the house. Sir, I call the attention of the right hon. gent. opposite, and if it were possible, I would call the attention of all his successors in office, to that report. For when the evidence shall be read, it will disclose a scene of fraud and misery, which it appears to me to be impossible that any chancellor of the exchequer can contemplate without a determination of abandoning that ruinous scheme of finance by which such evils are engendered.—Another Committee, sir, has this session, for the third time, been instituted; I mean the Committee of Finance. From this committee I fear the public has little or no chance of deriving any information during the present session, if I may judge from the answer made a few evenings ago, by the hon. chairman of that committee, to a question which I took the liberty of proposing to him. Whatever may be the reasons which caused this delay, they are not now to be ascertained. The honourable chairman informed us, that as far as lay in him, the Report was in readiness to be presented; nay, that it had been so before the Easter recess. Sir, whether there is any thing in the constitution of this Committee which renders useless the labours of the most assiduous of its members, or whatever mysterious impediments may exist to delay the delivery of their Report, are matters which must in the next session of parliament be fully developed, in order that the causes which have produced so much public disapprobation may be effectually removed.—Sir, I am happy to say, that there is one part of our situation which, at the present moment, we are fortunately enabled to contemplate with a greater degree of satisfaction than at any period for a number of years past; I mean the state of Ireland. This is not owing, certainly, to any thing that has been done, but to the reception experienced in this house, during the present session, by a motion made by a right hon. friend of mine (Mr. Grattan.) That circumstance, sir, has diffused a calm over the minds of men with regard to Ireland, which has not been felt for many years. It tends to show by what small efforts of conciliation it is possible to do away, in that country, all feelings of hostility, of distrust, of regret; and I trust, that by the measures of future sessions of parliament, this favourable impression will be considerably increased. Sir, I wish to obtain some information with respect to the operation of the Orders in Council. At the conclusion of a session, in the commencement of which measures proposed for the improvement of our commerce, after repeated discussions in both houses of parliament, were carried by large majorities; after eight months have elapsed, it is natural to ask, whether those measures have produced the beneficial effect which was predicted from them. This is an information which our constituents have a right to expect from us. It is desirable to know the result; that, if successful, those who opposed the measure may acknowledge their mistake, and those who supported it may congratulate themselves on their superior sagacity. One expectation held out by the right hon. gent. opposite was, that the measure would act so oppressively on the enemy as to subdue his inveteracy, and incline him to make peace with this country on terms more advantageous than could otherwise be expected. I should like very much to know, whether in the right hon. gent.'s opinion this effect has been produced. I should also, sir, like to know, whether the right hon. gent. has actually carried the Orders in Council into execution, or whether he has not rather allowed their tendency to be defeated by the system of Licences. It is necessary that this point should be ascertained, lest we should confound two things and ascribe to the enforcement of the Orders in Council a consequence which has resulted from the violation of them. To all these questions, sir, I am fully sensible that I depend solely on the courtesy of the right hon. gent. for an answer; I have always felt that I did so on former occasions. It appears to me, that it is for the convenience of the house of commons, that questions should be thus asked and thus answered, on subjects which might otherwise form the ground-work of separate discussions. I beg, therefore, that I may not be understood to be arrogant by this mode of proceeding. I will now therefore go on, sir, to observe, that the right hon. gent. must know, that the pressure arising from the stagnation of trade, has produced symptoms of disturbance in some parts of the kingdom. I wish to touch on this subject lightly. I am aware that it is one not at all calculated to produce alarm, but very much calculated to produce commiseration. No one can doubt, sir, that every disposition to tumult, however excited, must be repressed; yet some distinction ought to be made with reference to the cause. Without entering into a more minute explanation, I may be allowed to express my hope, that his majesty's ministers will keep this consideration in their view; and that in any steps which the public good may render it necessary for them to take, they will exercise their power with lenity, where they perceive that the circumstances which call for the exercise of that power, arise out of the depression of commerce; that they will afford all possible relief, where relief can be afforded; and that they will not attribute the conduct which may demand their interference, to any other motives but those which I have already mentioned.—So much, sir, for the internal relations of the empire. I will now proceed to the external relations, and hope to receive an answer to such of my questions as can be answered with propriety. They will range themselves under two heads; Sweden and America. And first, with respect to America, I wish to know, as far as it can be disclosed with discretion, what is the real situation in which the British and the American governments stand with regard to each other. If, sir, I may trust that channel of information which is alike open to every man, the public papers, I see that congress has been prorogued for the session, but that the embargo still continues. Thus it appears that one of the effects anticipated from the Orders in Council has failed. England holds out; America holds out; nor does there appear any probability of a relaxation on the part of the latter.—With respect to the Expeditions which are about to sail, I neither wish to know nor ask their destination; nor were I to make the enquiry, would the right hon. gent. be justified in satisfying me. I hope that their object has been well considered; I am sure that they are under the command of able and experienced officers; and I trust that the result will be glorious and useful to the country. But, sir, I cannot avoid remarking, that a British Expedition has for a long time been lying idle in the ports of Sweden. This is a point on which I wish for explanation. That expedition also is commanded by an officer of distinguished merit, and the public approbation fully justified his appointment to a situation of such critical responsibility. At the same time, sir, I must observe, that the accidental presence of that officer in England to take the command of the Swedish expedition, deserves explanation. I say accidental, because, if public report is to be credited, the arrival in England of sir John Moore from Sicily, was as unexpected by his majesty's ministers as by the country at large. It certainly appears extraordinary, that a force of 10,000 men, employed in the defence of such an important point as Sicily, should reach the English shores without the previous knowledge of government. Did this arise from any clerical error in the orders, or from any blunder of another description? Without dwelling any longer upon this point, I will proceed, sir, to the principal circumstance, which is, as I before observed, that there is now lying in the ports of Sweden a large British force, completely inactive; and that at a period of the year the most favourable for military operations. From the manner in which the right hon. gent. opposite spoke of the sentiments of the king of Sweden, when the Swedish treaty was presented to the house, one might have been led to suppose, that when the time of action arrived, some previous concert would be found to have been established with respect to the mode in which the troops sent by this country should be employed. It was therefore, sir, that the public was extremely surprised to learn, that immediately on the arrival of the troops under sir J. Moore in Sweden, the quarter-master-general (an officer whose absence palsied an army) was sent back to this country for instructions; and that on his return to Sweden sir John Moore set off for Stockholm to concert a plan of operations. These are points which demand explanation. I wish also to be informed respecting the commercial relations between Great Britain and Sweden. Have arrangements been made that the boasted arrangements for the protection of our commerce shall not be completely defeated by our best ally? The right hon. gentleman said on a former occasion, that he trusted to the justice, to the liberality, to the discernment of the king of Sweden, to have our commercial plans seconded by him. Have the expectations of the right hon. gentleman been fulfilled?—Not any thing more, sir, occurs to me on which to call the attention of his majesty's ministers, except that most important subject which formed the basis of the motion that I had the honour of submitting to the house on the 29th of Feb. last. I then stated, that it did not appear to me degrading to this country to propose a negociation for peace with France. At no period of the interval which has elapsed, has it appeared to me that such a proposition would be degrading. Nor can I anticipate during the recess which is about to take place, any circumstances, the occurrence of which can by possibility render it inexpedient or degrading, on the part of this country, to open such a negociation. Having said thus much, sir, I shall sit down, trusting to the candour of his majesty's ministers, that they will afford to me and to the country every satisfactory explanation with regard to those subjects on which they can communicate information without detriment to the public service.

Mr. Secretary *Canning*.—Sir; the hon. gent. needs no apology for making any observations, or proposing any questions to his majesty's ministers, which to him may seem advisable. I will endeavour, sir, as far as I am able, and with the utmost disposition to frankness on my part, to give to the hon. gent. the satisfaction which he requires. In doing this I will begin with the topics with which he concluded his speech. The hon. gent. expresses great surprise that the armament sent to the assistance of the king of Sweden, has not yet commenced active operations. The answer to this remark, sir, is to be found in the proposition that this armament was sent to the assistance of the king of Sweden. It was sent to co-operate with the forces of an ally; to be subject to the plans of warfare which that ally might direct; if in the interval that has elapsed from the fitting out of the expedition considerable changes have taken place in the posture of affairs, and in the military councils of Sweden, that circumstance would sufficiently account for the inactivity of the British force. If any blame can be imputed to his majesty's government on this head, it must be for the decision which projected the expedition, and for the promptitude with which that decision was carried into execution, without waiting until all possible chance vanished of its remaining unemployed on its arrival. But the hon. gent. expresses great surprise that the gallant commander of that expedition was found in England to be placed at the head of it. Sir, I have in a great measure explained this circumstance on a former occasion. The force under the command of sir John Moore, in Sicily, was removed from Sicily to Gibraltar at the eve of a considerable military operation in that quarter of the continent, and when it was highly important to afford the army engaged in that operation the double chance of receiving aid from home and from abroad. Sir John Moore arrived at Gibraltar in the latter end of November, two days after the emigration of the royal family of Portugal. Having waited for some time, of course in vain, for a communication with sir Sidney Smith, he, in pursuance of his orders, and not in consequence of an error, returned home. As to the impolicy of leaving Sicily with an inadequate garrison, I am ready to admit, that if it were possible it would be highly desirable to attend, at the same time, to every point of our military defence; but, sir, this is impossible: there are occasions on which a small risk must be run, for the hope of performing a great service. On this principle it was that his majesty's government thought it advisable to weaken for a time the garrison of Sicily. Whether in doing so they were or were not justifiable, it is for the country to decide.—I now advert, sir, to the questions of the hon. gent. connected with our commerce. He asks whether his majesty's government have any security for the co-operation of Sweden in their commercial arrangements? Sir, I have no doubt that at this moment a treaty has been signed at Stockholm, not of indulgent, but of hearty co-operation in those arrangements. As soon as the Swedish government were told what was expected from them by this country, without waiting for the formalities of a treaty, they entered cordially into our views; but, sir, it was thought advisable that a regular treaty should be concluded, and I repeat that I have no doubt that ere this it has been signed.—America, sir, is the next subject of the hon. gent.'s speech which I shall notice. Of nearly all that has passed between the two countries, the house and the public have been put in possession by the publications of the American government. I presume that the hon. gent. does not intend to blame his majesty's ministers for not having made similar communications to parliament; for if he had thought such communications necessary, he would doubtless have moved for them. Without censuring their production by the American government, his majesty's ministers have felt that the transaction being pending, any appeal from government to parliament would look as if it were concluded. I shall only state, that in the whole conduct of the British government, with respect to the affair of the Chesapeak, we have endeavoured to keep in view the principle upon which we set out; namely, to make ample reparation for that which was a decidedly wrong act; but to make that reparation under a firm determination not to surrender a right which the great majority of the country has ever considered as essential to its dearest interests. Sir, I may boldly appeal to the country to determine whether, from the correspondence on the table of the house, any such disposition on the part of his majesty's ministers has appeared through the whole transaction. That the rupture of the negociation on this subject was not attended with any hostile feeling on either side is an incontrovertible truth. The reparation was not accepted by America, because America would not fulfil the condition on which alone it was tendered; namely, the revocation of that proclamation by which British ships were not allowed to enter the harbours of America, while those of the enemy visited them at pleasure. But, sir, the manner in which the British reparation was tendered to America by a special mission, was, to all the feelings of nice honour, an effective reparation; and so, in fact, we have every reason to believe that it was considered by the American government. With respect, sir, to the embargo, and to the probable effects of the Orders in Council in producing its abandonment, the hon. gent. has mis-stated my right hon. friend's propositions. The hon. gent. declares my right hon. friend to have predicted that the Orders in Council would do away the embargo, whereas my right hon. friend only argued, in opposition to the hon. gentlemen on the other side, that the Orders in Council did not produce the embargo; that they were not substantively known in America when the embargo took place; and that they were not included in the complaint made by the American government to congress, on which complaint the embargo was founded.

Nor, sir, do I think that the Orders in Council themselves could have produced any irritation in America. If I were not disposed on this occasion to avoid making any observations that might be suspected of a party feeling, I would say, that I do think the irritation in America may have been produced by the echo of the discussions in this house. Sir, since the return of Mr. Rose, no communication has been made by the American government, in the form of complaint, or remonstrance, or irritation, or of any description whatever; I mention this particularly, because it is notorious that there have been several arrivals from America, supposed to be of great importance, and that several special messengers have reached this country from thence, after having touched at France. But, sir, if the hon. gent. in the execution of his public duty had thought fit to move for any communications that had been made by the American government since the departure of Mr. Rose, my answer must have been, not that his majesty's government were disinclined to make them, but that absolutely there were none to make. If it be asked why? I am unable satisfactorily to reply. I can only conjecure that America has entered into negotiations with France which are expected to lead to some result, and that the communications of America to this country are to be contingent on that result. This, sir, is conjecture alone, but it is founded on the extraordinary circumstance of so many arrivals without any communication. It cannot be expected of me, that I should state prospectively what are the views of his majesty's government on this subject. The principle by which they have hitherto been guided, they will continue invariably to pursue. They attach as much value to the restoration, and to the continuance of cordiality, and perfect good understanding with America, as any men can do; they are ready to purchase that advantage by every justifiable conciliation; they have proved that readiness by the act of the present session, in which the trade of America has been placed on the most favourable footing; but, sir, they are not ready to purchase that advantage, great as they acknowledge it to be, at the price of the surrender of those rights on which the naval power and preponderance of Great Britain is immutably fixed. The hon. gent. has alluded, with proper delicacy, to some unpleasant circumstances which the present stagnation of commerce has produced in a part of this country, but, sir, in making this allusion, he has offered to the executive government a piece of advice, which, I trust, is unnecessary. He has recommended to us, sir, in any measures which the excesses of the misguided may compel us to take, to discriminate between the objects of mercy and those of justice; and not to apply to innocence, goaded by want to imprudence, the punishment which belongs only to indefensible guilt. Sir, I trust it was perfectly unnecessary for the hon. gent. to lay down this principle for the guidance of his majesty's government. And, sir, if among those who, by the real pressure of the times, are incited to tumult, men should be found who, without themselves experiencing any inconvenience, avail themselves of the irritation of others to forward views of a very different nature, then, sir, I trust, that to such men the hon. gent. would not wish his principle of lenity to apply. I state this, only because I think that the recommendation of the hon. gent. is rather too much of a sweeping description, and that it implies a proposition which I do not choose at this moment either to contradict or to adopt; namely, that one cause alone, the pressure of the times, is enough to produce the evils to which he has alluded, and that no other can exist in aid of it.—Sir; the hon. gent. inquires whether the operation of the Orders in Council has produced the full effects expected from it? But he does not state fairly the extent of the expectation. It never was supposed by his majesty's government, that the Orders would throw no impediment in the way of the commerce of the country: we expected that they would impede the commerce of the country, but we imposed this restriction, because restriction existed elsewhere, and because we thought that the restriction of the enemy would be more successfully combated by a defying restriction on our part than by helpless acquiescence and unresisting supplication—means unworthy of the British nation. I have now, sir, gone through most of the hon. gent.'s observations, except those which related to the different committees of this house, to the general course of parliamentary business, and to the laborious attendance of members during the present session. Sir, I shall add but a very few minutes to that attendance in expressing my cordial concurrence in the sentiments of the hon. gent.; and I am persuaded, my right hon. friend near me (the chancellor of the exchequer) is by no means disposed to dissent from the hon. gent.'s opinion, that this has been one of the most severe and laborious sessions that was ever known. If the hon. gent. reflects with complacency on his share of the proceedings of the session, we have also the satisfaction to reflect that we have done our duty in it, and we certainly anticipate its close with a feeling of satisfaction. I will not extend it still further by wasting the time of the house in descanting on the desire which it is rational to suppose that government must feel for the restoration of a peace, I will not say consistent with the honour of the country alone, but a peace by which her future safety and independence may be secured. The disposition which has ever existed in the minds of his majesty's ministers on this subject, and which was distinctly declared by us on the motion made by the hon. gent. at the commencement of the session, remains unchanged. But, sir, I think, that under the present circumstances, the hon. gent. will scarcely expect us to declare, whether or not we think there is any prospect of an opening for that event. The hon. gent. may rest assured, that we feel as much as he, or any man, can feel, the difficulties in which the country is involved; but we also feel, that she has energy and resources enough to contend, so long as it may be necessary to contend, for the maintenance of her power and independence; but to say any thing further on this subject, to attempt to predict whether peace is probable or hopeless, would, in my opinion, sir, tend only, in the one case to relax exertion, in the other, to aggravate evil.

Mr. *Whitbread* declared that he had asked for no information with respect to the probability or the improbability of peace; he had only called the attention of government to that important subject. The right hon. the chancellor of the exchequer, notwithstanding what had been said by the right hon. gent. who had just spoken, had certainly held out the expectation that the enforcement of the orders of council would induce America to see her true interest, and that she would in consequence withdraw her embargo. The fact, however, was otherwise. As to what the right hon. gent. had said of the echo of the debates in that house, having produced an irritation in the American mind, which was subsequently allayed, such a statement was a general reprobation of every public deliberative assembly. If the members of the house of commons were not to speak their opinions freely, it were better that the house of commons did not exist. But this was the common topic of all ministers, little considering that the good far outbalanced the evil. In the present instance he did not believe that any evil had been produced. The right hon. gent. had expressed his satisfaction at the approaching close of the session, and had been very pleasant on the gratification which this circumstance would give to his right hon. and learned colleague. He could assure him that he was not less pleased with the prospect than himself, and that if he felt any of that complacency in the retrospect which the right hon. gent. had ascribed to him, it was not so much at what he had actually done, as at the line of conduct he had pursued. There was one topic of national importance on which he had not touched, namely, the internal defence of the country. The reason was this. On a recent evening, a right hon. gent. (Mr. Yorke), in a speech containing some tremendous truths, had called upon a noble lord opposite for an explanation on that subject; and in his own emphatic language had asked the noble lord, whether our fortifications were in such a state, that if Buonaparte were to see them he would pull off his hat to them with respect? The noble lord had replied that the fortifications of the coast were in some places complete, and in others advancing to completion; and also that the other military arrangements for the distribution of our force were of such a nature that every person might lay his head upon his pillow, and sleep in security.—He would trouble the house with a few words on what had fallen from the right hon. gent. respecting the return of sir John Moore. Every body knew that a small risk ought to be run for a great object; but although it might have been very advisable in the pursuit of some important object, to leave Sicily for a short time without an adequate defence, he confessed he could not divine why the force under sir John Moore did not return from Gibraltar to the defence of that island, instead of a fresh force being sent out from this country for that purpose. He had always been given to understand, that the return to England of sir John Moore, had been occasioned by a mistake which might happen to any administration; but the right hon. gent. had claimed the blame for his maj.'s ministers, by declaring that the return of that gallant officer was in conformity to his instructions. In his opinion, a great risk had been incurred for a little object; for certainly it was a great risk to leave Sicily undefended for such a length of time.—He was very happy to learn, that the commercial arrangements between Great Britain and Sweden were of so satisfactory a nature. He would take it for granted (although the right hon. gent. had abstained from touching on this part of the subject), that it was intended to put the Orders in Council into full activity in this country. If so, and if facilities were to be given to their operation in Sweden, then on the commencement of the next session of parliament, the country would see, without the possibility of evasion, whether those Orders had been founded in wisdom, as asserted by his majesty's ministers, or whether, as it was asserted by his side of the house, they were an instance of the grossest political absurdity that was ever committed. The question would be fairly at issue. Undoubtedly it was the wish of his friends, and of himself, that they might be mistaken upon it.

Mr. *R. Dundas* replied to those observations of the hon. gent. which related to the affairs of the East India company. The hon. gent. had asked whether the account between his majesty's government and the East India company had been brought to a final close; and whether the sum that had been already voted was all that it was intended to propose on that subject? Undoubtedly, in his apprehension, as far as related to the account of which the balance was struck, with the exception perhaps of some items, of which only a rough estimate had been given, for want of the necessary documents. But it should be observed, that the account between government and the East India company was an account current, and that if the balance were struck at a particular period, the account still going on, the result must necessarily alter. The hon. gent. supposed that the aids to the company would be sufficient to carry them on till the re-assembling of parliament. The fact was, that at the commencement of the present session, circumstances led him to suppose that the company would require further aid; but the balance due to them from government turning out to be larger than was imagined, and the company's affairs assuming a more favourable aspect, as far as related to their sales at home, he had now no hesitation in declaring, that his decided opinion was that the company could go on very well without further assistance until the reassembling of parliament. He had therefore not felt authorised to come to parliament for any further aid during the present session. Whether parliament would be called upon in the next session for further aid he knew not, but if they were, he thought they would do well, not merely to consider the pecuniary circumstances of the company, at the time when such aid might be required, but to look into all the bearings of their affairs, and to consider how far such aid might be accompanied by regulations, which would place the company in a better situation than that in which they were now placed.—The amendments were then agreed to, and the bill was ordered to be read a third time to-morrow.

[West India Merchants.] Mr. *Barham*, after enumerating the various measures that had been adopted and recommended for the relief of the West India interest, and commenting upon their value and efficacy, moved, pursuant to his notice, "That the house do resolve itself into a committee of the whole house, to take into consideration the second and third Reports of the West India committee."

Lord *Binning* rose to second the motion, and regretted that it should have been made in so thin a house, as the subject was of sufficient importance to entitle it to a fuller attendance.

Mr. *Rose* regretted that the hon. gent. should, at this stage of the session, have thought proper to bring forward a question of this description. The hon. gent., from his speech, seemed to have brought forward the motion with a view to give himself an opportunity of stating that the measures which had been taken for the relief of the West Indies were not effectual to their object. The right hon. gent. then entered into a statement to shew that the measures adopted would be beneficial to the West India interest, and cautioned them against importuning the house with their case lest they might indispose it towards their relief.

Mr. Marriot and the Chancellor of the Exchequer opposed the motion, on account of the protracted period of the session, and thought the measures already adopted would be sufficient till next session.

Mr. *G. Hibbert* said, that although neither his eyes nor his ears had been gratified in the present debate, (the thin attendance on a subject so interesting being matter of almost as much discouragement as the expressions which he had heard from the right hon. gent. (Mr. Rose); yet that he was not one who would undervalue what had done towards the relief of the colonists in the present session. The permission to use Sugar in the Distillery, for a time however short, must add to the consumption of that article and open another market for it. The Regulation, of the Duty on Spirits he had not at first seen in the important light in which it now appeared to him; but as it took away from spirits imported, what is called the Privilege of Escape (or a remission of duty on the overproof strength as far as ten gallons in the hundred) and, as he was satisfied upon enquiry that *all* the brandy and foreign spirits were contrived to be *escapes*, while a very inconsiderable part of the Rum imported was of that description the Regulation must in fact prove a tax upon foreign and consequently an encouragement to the consumption of colonial spirits. He could not see what objection there was to the carrying this principle farther, in compliance with the recommendation of the committee up stairs, by a more decisive discouragement of this traffic in the produce of the enemy, in favour of that of our own subjects and possessions. Brandy, to a certain extent, would be consumed, even if the tax were doubled; and he was informed that, under the present circumstances, the revenue could not suffer much from smuggling. The reduction of the duty on Coffee was another wise measure which he trusted would eventually promote the interests of both the coffee and the sugar planter, and also prove a source of future benefit to the revenue. In this instance, however, he feared that the principle had not been carried far enough; the present revenue in the home consumption of coffee was a matter contemptible in itself, and while we were seeking to establish a change in the habits of the public, it might have been well to have made the encouragement, in the first instance, more decisive. The postponement, too, of the time when the reduced duty was to take effect appeared to him to be injudicious, and he was persuaded that the right hon. the chancellor of the exchequer had somewhat hastily committed himself upon that subject, and that he would have been glad, upon farther reflection, to have given that act an earlier operation. From these measures, however, when combined, he expected benefit, and was sincerely thankful for them. He believed that his hon. friend (Mr. Barham) was so also; and that the expressions he had used, if fairly understood, would not warrant the comments they had occasioned. His hon. friend had very properly said that little or nothing had been done for the *permanent* benefit of the Sugar Planters, since the use of the Distilleries was professedly temporary. The committee, who recommended it as an expedient suitable to the present circumstances of the country, expressly deprecated either its long continuance or its recurrence, and there was a large portion of that house most anxious to see the West India trade relieved by other means, if for no other reason yet that its distress might neither be the motive nor the plea for any future interference with the Distillery from grain. The committee, whose labours appeared to have met the approbation of the house, had therefore, in conformity with its promise, suggested measures of permanent relief. And he thought it hard that he and others nearly interested should be accused of ingratitude, or of impolitic importunity, when they were anxious to press those measures upon the early consideration of the house and of his majesty's ministers. The case of the West Indies became more, perhaps, a question of the time than of the amount of relief. Another year like the last would bring on a crisis for which it would be difficult to find a cure. The estates had hitherto been supplied with necessaries, and while that was the case, peace and subordination were preserved there, and the shipping and manufacturing interests at home did not feel the weight of the evil which was approaching: but the resources from which this had been done were nearly exhausted, and would not bear out against such another losing year as the last. The consequences he dreaded to contemplate; but the house might rest assured that they would be felt most extensively.—The right hon. gent. (Mr. Rose) had warned them against importuning the house with their case, lest they might indispose it towards their relief; as if their case was not the case of that house and of the country. What could he or his hon. friend say more in illustration of the importance of the colonial trade, than what had fallen from the right hon. gent.? that it was now almost the only trade that was left to British shiping! and was it, then, wise or politic to risk this, almost the last resource of our commercial greatness and power at sea, for the sake of paltry and partial interests, either of the Ship Owners or the Revenue? Was it to be brought as a valid objection against one of the measures proposed for the relief of this trade by the committee, that it would occasion some sacrifice of the revenue, or against another, that it would interfere with that monopoly which the Ship Owners claimed, when it was proved to the house, that the colonies themselves, the substratum of these interests, were on the brink of destruction? The hon. gent. who had just sat down, had confined his observations to the matter of that Report of the Committee which related to the licensed trade in spirits, the produce and manufacture of the enemy; he would therefore make a very few remarks upon that other subject, recommended by the Committee to the attention of the house—the extension of the barter in American shipping to the articles of sugar and coffee. It was true that circumstances, at present out of our controul, seemed to throw to a distance any proceeding on that Report, but if the disposition were ascertained, the moment for acting might occur before that house should meet again, and it was the purport of his hon. friend's motion, that his majesty's ministers should not in such a moment have their hands tied up or their authority questionable. The policy appeared to him so clear and striking, of weakening during the war the colonies of the enemy, which ever had been and must again be the chief sources of her naval power, that he wondered how either this or any former administration should have suffered minor objects to interfere with it. The advantage of pushing a few of our manufactures, through America, into the consumption of the enemy's colonies, was, surely, not to be brought into comparison with so great an object. We had unwisely relaxed the rule of the war of 1756, until we appeared to have lost sight of it altogether, and mean time the colonies of the enemy were thriving while our own were falling rapidly into decay. To have returned again to the policy of that rule of 1756, and to have softened its operations in respect to America, by permitting her, during the war, to take away in her own shipping that surplus produce of our own colonies which we could not find the means of throwing into consumption, and could only persist in monopolizing to their destruction, would, as he must continue to think, have been our wisest proceeding, whether in respect to the colonies or to America. We had right and necessity and precedent also, to plead in its defence; and he wished the house to look back and see what had been in former wars the consequences of our adherence to or departure from this policy.—It appeared from the authentic Tables given by M. Arnould, in his "Balance de la Commerce," that on the average of seven years of peace, from 1749 to 1755, the colonial trade of France in round numbers of francs, was thus:—Colonial Produce,

Imported, value - - - -	65,000,000
Exported - - - - - - -	35,000,000
Consumed at home - - -	30,000,000

In the course of the Seven Years War, while we acted upon the Rule which bears the name of the Rule of 1756, say from 1756 to 1763, the average of the eight years was reduced to these amounts:

Imported - - - - - - -	15,400,000
Exported - - - - - - -	12,200,000
Consumed - - - - - - -	3,200,000

After that war, followed a peace of 13 years, say from 1764 to 1776 inclusive, during which France had assiduously studied to restore her colonies. The average of this period was,

Imported - - - - - -	112,000,000
Exported - - - - - -	37,700,000
Consumed - - - - - -	74,300,000

Then followed the American war, in which we had relaxed our former rule, and the average of seven years of their trade from 1777 to 1783, both inclusive, was

Imported - - - - - -	108,700,000
Exported - - - - - -	50,600,000
Consumption - - - -	58,100,000

The house would see that during that war France, though she was compelled to consume less at home of her colonial produce, yet greatly increased her foreign export thereof beyond the average of the preceding peace; and upon the return of peace, commencing with a colonial trade so little checked or impeded, he begged the house to remark that in the succeeding five years of peace, from 1784 to 1788, (immediately before the Revolution) she had arrived at the surprizing increase of an Import equal in value to - 193,200,000

Export - - - - - - -	93,000,000
Consumption - - - -	100,200,000

The consequence of this accumulation of her colonial trade in a period so short, had been attended with a proportionate extension of her naval power, which, at the moment of the Revolution, was very formidable; and, without precisely knowing what was the state of her intercourse with her colonies at this time, he yet could assert that those which remained to her were in themselves flourishing, and must, whenever a peace should occur, become chiefly instrumental in furnishing her with experienced seamen.—To the object thus considered, he earnestly intreated the attention of ministers. The shipping interest should reflect that we were adding to the monopoly of our own, that also of the trade of the conquered colonies, which at a peace we could not expect to retain; and on this ground, therefore, the support and encouragement of our own colonies during the war, by a temporary concession to the American shipping, was the more politic. Such a concession was compensated now by our trade with the conquered colonies; and whenever, on the return of peace, we resumed our monopoly, we might find, in the increased prosperity of our own colonies, which this concession had occasioned, a counterbalance for that share of the foreign colony trade which we should then be called upon to relinquish.—For these reasons, he must approve and support his hon. friend's motion, should he think fit to take the sense of the house upon it.

Mr. *Ellis* contended, that in the present situation of G. Britain the importation of brandy and foreign spirits into this country, ought to be, by all means, discouraged, as tending to overturn the interests of the corn-growers of this island, and the sugar merchants of the colonies, by the deficiency in the consumption of the article of rum; whilst it was serviceable to the enemy, by encouraging the importation of their commodities, by indirect means, into this country.

Lord *H. Petty* gave notice, that early in the next session of parliament he should take an opportunity of attracting the attention of the house to the destructive consequences of the Orders in Council; and should, therefore, abstain from entering into the course of argument which had been pursued by the gentlemen who had preceded him.

Mr. *Barham* briefly replied, and contended that he had not undervalued the remedial measures resorted to by this country, for the relief of the West India merchants: he concluded with informing the house, that he should not proceed to a division on the question then before it.—The motion was accordingly negatived without a division.

[MR. PALMER'S CLAIM.] Mr. Huskisson brought up Mr. Palmer's Arrears bill, which was read a first time.

The *Chancellor of the Exchequer,* in moving that it be read a second time to-morrow, stated it to be his intention to give every support to this bill for carrying it through that house. But if the hon. gent. who was concerned in the measure did not wish that it should proceed further, he should feel that he had done his duty in bringing it in, and the hon. gentleman might, if he thought it right, suffer the order of the day to drop.

Mr. *W. Smith* approved of the candour of the right hon. gentleman. He saw no cause of disapprobation which could exist against him for his conduct, notwithstanding all that had been urged against him last night.—The bill was then ordered to be read a second time to-morrow.

[SCOTCH JUDICATURE BILL.] On the motion of the Lord Advocate of Scotland for the third reading of this bill,

Mr. *Adam* rose and addressed the house as follows:*—Mr. Speaker; I rise in a very thin house, not at a very early hour, and at a very late period of the session, to discuss a subject of the greatest consequence to the part of the united kingdom to which it relates.—My intention is to discuss, and not to oppose; and my object is to make some parts relating to this most important subject generally known and attended to by means of discussion in this place.—It is highly necessary that many of the regulations, proposed by this bill, should be well understood, and that others should be suggested for consideration. [At this period an interruption took place, owing to some members leaving the house, when Mr. Adam said, with some eagerness]—Sir, I know how little interesting this subject must be to many gentlemen present; I am not, therefore, surprised at their departure; but I should conceive, late even as it is in the session, and exhausted as the house may be with previous business, it will hardly be thought decent to have it said, that a system of civil judicature, relating to the most important interests of Scotland, and affecting no less than two millions and a half of his majesty's subjects, has been discussed and passed in a house not sufficient, according to its constitution, to do any act whatever. [Here the Speaker rose and stopt Mr. Adam, saying, that as the hon. member had noticed the state of the house, and hinted that there were not 40 members present, it must be counted. The Speaker accordingly counted the house, and by the return of some of those who were leaving the house, it appeared, on counting, that 43 members were present. Mr. Adam then proceeded.]—Sir, I regret that the slight interruption that I met with should have put me off my guard, and should have given you the trouble to count the house. It was not my intention; and, much as I may regret the thinness of the attendance, I should have had more to regret still, if the house had not been able, from defect of members, to proceed with this business.—The subject of the bill, the effect it will produce, its being the commencement of the improvement of the civil judicature of Scotland (though far short of what ought to be done) are reasons sufficient for this feeling. But I should have regretted it likewise for reasons personal to myself. The learned lord, who has now moved the third reading of the bill, had postponed the second reading of it, for my accommodation, several weeks ago, so that my illness (which was the cause of that short delay), may possibly be the cause of the proceeding being retarded to the present time. If my health had permitted, I would have attended the Committee some days ago, and offered, on that occasion, what occurs to me on the subject; but I was unable for such an attendance, and I doubt how far I shall have strength, even now, to discharge the task which I think it incumbent on me, at this last stage of the proceeding, to perform.—The judicature of Scotland, in all its parts, has been for very many years, the subject of my most deliberate and anxious attention. I have been excited to it by particular causes, which I need not now relate. In the civil branch of it, I have been led by my practice as a lawyer, in the Court of Apellate Jurisdiction, and by my connection with that country, and the sincere interest, which I take in all its concerns, to see and feel the defects of its judicial system. And I should have been extremely concerned, indeed, if this bill had passed the legislature without my having had an opportunity of delivering some opinions on the subject, which are strongly impressed on my mind, and which I flatter myself may prove useful.—A system of judicial jurisprudence is one of the most interesting subjects that can employ the human mind. It is interesting as deciding upon all the real and personal rights of the community, to which it relates, and as turning on principles of jurisprudence which raise it much beyond an ordinary subject of legislative discussion.—The bill under consideration proposes to divide the Court into two Chambers, or Courts. Whatever observations may occur to me respecting the defects of other parts of it, that regulation is alone sufficient to make me think that it should pass into a law. It would be most mischievous indeed to defeat that object, or to do any thing by delay or debate which should frustrate, or even procrastinate, the measure. In other respects, there is much ground for observation; but I can assure the house, that my intention is to make those observations without any spirit of hostile debate. On the contrary, I shall endeavour to avoid all eagerness of argument, and to preserve that calmness, and (if I may use the expression,) that judicial tone of discussion which ought to prevail on this most important and interesting subject of judicial jurisprudence.—One of the chambers into which it is proposed to divide the Court of Session, is to be presided over by the president, consisting of the president, and seven ordinary lords. The other is to be presided over by the justice-clerk, and to consist of the justice-clerk and six ordinary lords.—The division into two courts is important, in-as-much as it removes a great defect in the judicial system of Scotland, by giving a choice of forums. At present, there is but one court, consisting of fifteen judges, so that, though the suitor can select the lord ordinary, before whom he will bring his action, he has no choice of tribunal when the cause goes before the whole court. The effect of the present system, therefore, is to exclude all competition. Where there is one court, there is no effort arising from a desire to excel, as there is when there are several courts of co-ordinate jurisdiction, taking cognizance of the same causes;—and we cannot disguise, that it is in justice, as in every thing else, that competition begets exertion, and that with exertion duty is more perfectly discharged. In this country (England), the suitor having three courts open in all matters of law and equity, the King's Bench, the Common Pleas, and Law side of the Exchequer, for actions at law,—the Court of Chancery, the Rolls, and the Equity side of the Exchequer, for suits in equity, there is an ample choice of tribunals, and a perfect inducement to excel by competition; and suitors, if they have any objection to the modes and habits of one court, may go to another.—I have no doubt, that it would have been much better, if the court of session was likewise to have been divided into three courts.—First, Because there is a certainty, by that division, of settling the law more satisfactorily, the opinion of two bodies, on a doubtful question, leaving the mind less satisfied than that of three; and, because where there is a difference of opinion, on similar questions of law, the third tribunal casts the balance, and fixes the point.—Secondly, Because, by making more divisions, each of the courts would be reduced to a smaller number, which certainly renders the tribunal more perfect.—It may be observed here, that a court consisting of four is the best number; because, when there is a difference of opinion, and the court is equally divided, the matter may go to the higher tribunal; if it is not equally divided, there must be a majority of three to one, the greatest majority that any number affords, and which is, of course, calculated to give more satisfaction to the suitors, and the public, than any other number that can be pitched upon.—On these topics, however, I do not now mean to enlarge. I only throw them out, not as opposing the present bill, but as suggestions for future improvement. It ought, however, in fairness, to be observed, that the courts or chambers will not be so numerous as they appear.—There will be one or two lords from each court employed in discharging the duty of lords ordinary, during the sitting of the chamber to which they belong, so that the president's court will usually be six—never more than seven; and the justice-clerk's court will be usually five—never more than six;—so that we have every reason to hope, that, by this regulation of the bill, the tribunal for the discussion of civil rights in Scotland, thus reduced and constituted, will lose the character which is alledged now to belong to it, of being too numerous, and as having more resemblance to a popular assembly, than is fitting for a court of justice.—Sir, the bill now under consideration, does not, in its preamble, assign the sound principles of judicial jurisprudence, to which I have just referred, as the reason for its enactments; but alleges only the great increase of business. It runs thus: 'Whereas, the great extension of agriculture, 'commerce, manufactures, and population, 'and the consequent multiplication of 'transactions in Scotland, have greatly in'creased the number of law-suits brought 'into the court of session, whereby it has 'become expedient to make some new 'arrangements in that court, to facilitate 'the dispatch of business."—Now, Sir, it is somewhat singular, that the increase of law-suits, from commerce, population, and agriculture, should be assigned as the reason for this measure, and that the language of the bill, respecting the introduction of trial by jury, should be so tame and discouraging; for it is manifest, to every person accustomed to that incomparable system of judicature (trial by jury) that if the increase of judicial business has arisen from the causes assigned in this preamble, there ought to have been an immediate introduction of trial by jury in those cases, as being peculiarly suited for that tribunal.—Questions on policies of insurance, on bills of exchange, on mercantile contracts of every description, all those personal actions which are the result of increased population, and increased dealings between man and man, in agriculture, manufactures, and commerce, are peculiarly suited to trial by jury. The cases arising out of such transactions are, necessarily, mere matters of fact, in which the most simple and the shortest forms of pleading only can be necessary to be put on the record. As nothing is required, almost in any of those cases, but the simple allegation of the plaintiff or pursuer, stating the injury of which he complains, and the equally simple denial of the defendant. What in England constitutes and is called the declaration, and a plea of the general issue, and what in Scotland constitutes and is termed the summons and the defences.—It is material to observe, likewise, that the introduction of the trial by jury, in those cases in which it is practicable, would give the greatest possible relief to the appellate jurisdiction of the house of lords. A jury takes to itself, exclusively, all matter of fact, whereas, at present, the facts, in every case that is appealed, must go to the house of lords, forcing that tribunal to examine into the fact, as well as to decide upon the law, and go through most voluminous and ill-ascertained proofs, liable to much uncertainty, extremely inaccurate and confused; whereas nothing should be carried to an appellate judicature but mere matter of law.—I own that I feel most earnest and anxious to take this public opportunity of impressing the importance of introducing trial by jury; and I am the more anxious to do so, because, when I consider the manner in which the commissioners, created by this act for inquiring and reporting on this subject, are to be appointed, when I perceive that that appointment rests with the ministers of the crown, or rather, with those who are the authors of this bill, I am very apprehensive that there is still less chance of the trial by jury being introduced at all into the civil judicature of Scotland.—I know that it is the opinion of a person of great influence, one who will be much listened to on this subject—it is the opinion of a judge who has a most profound knowledge of the law of Scotland, I mean the president of the court of session, that questions of the sort to which I have referred, namely, questions on bills of exchange and policies of insurance, are not fit to be tried by jury.—When the resolutions of the house of lords, preparatory to another bill, afterwards brought forward by lord Grenville, (the measure which first introduced the amelioration of the Scots judicial system in civil causes to the notice of parliament,) were in circulation, I considered it to be my duty, on this important public subject, to have a conference with that learned judge, and at his desire I waited upon him for that purpose. The object of us both was purely public. I listened with great attention to opinions and views, coming from a person of the highest respectability for legal rank, knowledge and experience, and I afterwards made them known to the noble person who then promoted the measure for improving the judicature of Scotland. Among other things, he expressed himself to be a friend to the introduction of the trial by jury, where it was practicable, according to the forms and rules of proceeding in the law of Scotland. He shewed me that such had been his opinion when a reform in the court of session had been discussed many years ago; and that, in a pamphlet which he had written at that time, he had recommended it. But, he added, that he considered it to be applicable only to mere personal injuries or delicts, for which reparation in damages was required, such as assaults, libels, or the like. He particularly mentioned, that to questions arising out of bills of exchange, and likewise I think, he said, out of policies of insurance, it was not applicable. That they were the great source of increased business in the court of session. That in the former especially, nice and difficult matter frequently arises as to the consideration given for a bill, and how far it is a mere accommodation note, for which no value originally passed.—Such questions, his lordship thought, could not be tried by a jury.—To those who are accustomed to the course of justice in this country (England), this will seem most surprising, when we all know that the sittings at Guildhall are almost entirely employed in trying causes arising out of policies of insurance, charter-parties, bills of exchange, and other commercial transactions; and that deviation in a voyage, or want of consideration for a bill of exchange, are mere questions of fact, peculiarly calculated for a jury. But if such is the prepossession of a person of so much learning in the law of the country where he presides, respecting the introduction of this mode of trying those causes, it behoves us to do our utmost not to let such opinions operate to prevent the introduction of trial by jury, but, if possible, to enforce its introduction in mercantile causes, as they will receive a more satisfactory and more speedy decision in that than in any other tribunal. — Persons accustomed to the judicial system of England, would naturally and justly suppose, that the preamble to the bill (to the expressions of which I have already referred) would have been followed with an immediate enactment, introducing trial by jury in all cases of litigation connected with the causes assigned for the great increase of judicial business in Scotland. But instead of this being the case, mark how the bill proceeds:—Commissioners are proposed to be appointed to inquire into and report concerning the propriety of the introduction of trial by jury in civil causes. The words of the clause in the recital relating to this matter, are: 'and whereas it has been conceived, 'that it might be for the utility of the 'subjects within Scotland, that jury trials 'should be introduced into the proceedings 'in certain causes before the Court of Session in Scotland.'—The tame, hesitating, indecisive language of this recital is but a poor encouragement to report in favour of the introduction of trial by jury. Instead of exciting the commissioners to recommend the introduction of that institution, it is calculated to repress the ardour which gave rise to the idea of introducing this most important improvement into the law of Scotland.—I am confident, sir, that this tameness of expression in the bill is not consonant to the general feelings of that country on the subject. It is quite clear, that the people of Scotland wish the trial by jury to be introduced in civil causes, and it is to be observed, that they have always had it in criminal prosecutions. Many parts of the country have expressed themselves strongly in favour of the measure, and there has not been an opinion expressed against it anywhere. Two meetings of the Faculty of Advocates have been held on this subject; the first, where the resolutions brought forward by lord Grenville were discussed. The introduction of trial by jury in civil causes was then considered by that learned and enlightened body, and it was eagerly approved. At another meeting of the Faculty of Advocates, held on the 23d of February last, called by persons not supposed to be favourers of lord Grenville's measure, and not attended at all by those who were supposed to be more particularly the supporters of that measure, it was resolved, 'That the introduction of 'the trial by jury, in certain civil causes, 'would be of evident utility to the subjects within Scotland, and that the commissioners should report in what manner 'and form it could be most usefully established.' This resolution of the Faculty of Advocates was, I believe, the real cause of introducing the recital I have just mentioned into the bill. Had it not been for that resolution, I verily believe the introduction of trial by jury would not have been thought of by the framers of the bill. All this gives but little hope of the accomplishment of that great object; and when I observe how much the language of the bill falls short of the resolutions, I confess my fears are very much increased on this subject.—In the resolutions, it is said, that it would be 'of evident utility to the sub'jects within Scotland' to introduce the trial by jury. In the bill, all that is said is, that 'it has been conceived that it 'might be for their utility to introduce it.' If the legislature thus discourages the measure which it pretends to promote, it is quite impossible to be sanguine on the subject.—It is farther material to observe on this head, that the bill requires that the commissioners shall report, as speedily as may be, on the subject of the trial by jury, but that it does not require a speedy report on any other of the matters referred to the commissioners. Under other circumstances, I should have anxiously wished for a speedy report on the introduction of trial by jury, but as things are now circumstanced, I sincerely hope that the commissioners will take all the latitude, and use all the delay that the act will allow —that they will take full time to deliberate—that, by repeated consideration, and mature deliberation, they will become gradually convinced of its fitness for those commercial and other causes to which I have so often alluded, and which are the assigned motives for the introduction of the bill now under consideration—that they will thus be induced to report in favour of trial by jury in every competent case. It is clear, that a hasty report, under the prejudices which now clearly exist, must be an unfavourable report, and the people of Scotland may thus be deprived, not only of the best and wisest institution for the administration of justice, in issues of fact, which the wit of man has ever yet contrived, but of an institution which has the greatest possible influence in forming the national character.—When men are daily called upon to administer justice to their equals, to consider and weigh the rights of others, they are sure to contract the habit of forming a just understanding of their own rights and privileges; and although the administration of justice, on sound principles of judicial jurisprudence, is the primary object of the measure under consideration, yet it is no unimportant feature in the case, that the means of accomplishing it will have the effect of elevating the general character of the nation, by calling the general mass of the community into a new sphere of action, calculated to make them feel their importance and independence.—That trial by jury in civil causes, and in misdemeanours, has had most important effects on the English character; that it has fostered that just anxiety which prevails in the minds of Englishmen, respecting their political as well as their civil liberty, cannot be doubted; and there is every reason to suppose, that it would produce a similar effect on the people of Scotland. I cannot, therefore, avoid deprecating the tame, insipid, spiritless, and discouraging language which is applied to this most admirable institution in the bill before us. An institution which the experience of ages, in this country, has proved to be the most satisfactory and expeditious mode for trying all those questions, which do not belong peculiarly to a court of equity, and more particularly adapted to questions, arising from increased commerce, population and agriculture, which the preamble to this bill assigns as the cause of the increased number of law-suits brought into the Court of Session.—Sir, it is impossible not to observe, that the commissioners under this bill, are to be appointed by the selection of the ministers of the crown, and not by the choice of the legislature. To this mode of appointment, at an earlier stage of the proceeding, (if I had been able to be present), I would have given a most decided opposition, as a mode equally unconstitutional and inexpedient. But I forbear to enlarge upon it now, because, in the situation in which the house now is, it can be attended with no practical effect to press it, and it might be attended with the loss of the bill, which is by no means my object, for the reasons already stated. My object, in this stage, is rather to discuss the subjects which the commissioners are to consider, than to enter into the question of their appointment, however objectionable.—Sir, there are many points for discussion, arising out of this measure: but, in the present state of the house, at this period of the session, and in the state of my health, I shall select those which appear to me to be most important.—The house will observe, in the third page of the printed bill, that it is proposed to be enacted, 'That it shall be competent to 'the judges of either division, or a quorum 'thereof, in any cases which shall appear 'to them to be cases of importance and 'difficulty, to state questions of law in 'writing arising on such cases, to require 'the opinion of the judges of the other division to be given thereupon; and such 'judges are bound collectively, or as individual judges, to communicate their 'opinion to the court referring to them.' —This regulation I consider to be both at variance with the principle of the bill itself, and a violation of those sound, well-known, and established rules, which ought, invariably, to prevail in every well regulated judicial system. I feel this so strongly, that I wish now to have it understood, that it is my present intention to propose, in the next session of parliament, to bring in a bill, on purpose to repeal this clause. —By the bill, there is a choice of tribunals established, and the judicial system of Scotland is thus most materially and importantly improved. Where a suit is instituted, the plaintiff or pursuer has it in his power to choose either the chamber of the president, or that of the justice-clerk. But, by this clause, questions of law, arising in a cause, are liable to be transferred from the tribunal which the party has chosen, to that which he has avoided,—not by any act of his own, but at the will of others,—by the independent act of the court in which he brought his action, who are placed beyond the influence of his argument, and whom he cannot controul by any application, calculated to operate on their discretion, or stay their proceedings. This is not like the act of a losing party proceeding to another tribunal, by appeal, but an act of the court, to obtain a legal opinion, which, it is to be presumed, may decide the cause. But this is not all; the division or chamber, which is to state the question of law in writing, for the opinion of the other division or chamber, are to be themselves the framers of that question. The party, whose rights is to be decided by it, are to have no share in framing it. It is not to be submitted to them, nor the terms of it settled in their presence. It is not to be settled by the interposition of their counsel, or by any public proceeding of the court; but by the act of the judges of the division, in private, behind the back of the parties, and without any discussion, to set right any mistakes, in the view which may be adopted of the question.—Those who know any thing of the proceedings of courts of justice, are well aware, that the soundness of an answer to a question of law, depends upon the correctness of the statement of it; that the most important rights may receive a perfectly different decision, by the manner in which the case is framed, or the question stated. What shall we say then of an institution which enables the tribunal, before which a case is brought, to state the question of law, not only without the mutual discussion of the advocates on both sides, but in their absence; that the case so stated, shall decide the cause: a regulation, which shall enable the judges of one tribunal, privately, to draw up a question for the collective or individual opinion of the judges of the other tribunal: an institution, by which the judges who are to give their opinion on the question of law, are not only not bound to do it in public, but where it is clear that it is meant that they shall do it in private; so that a case privately drawn up by one division, or tribunal, is to be privately pronounced upon by the judges of the other division, thus again violating the best and soundest rules of judicial jurisprudence—rules which the wisdom of the framers of the judicial system of this country (England) have thought so essential to the pure administration of justice. Namely, that judgments shall be pronounced in public, before a critical well-informed bar; and in a court where all the world has a right to enter, to hear the opinion of the judges publicly delivered. Is it possible, that such a violation of all the best and wisest maxims for securing judicial purity, calculated equally to preserve individual rights, and to give satisfaction to the public mind, in matters of judgment, should be allowed to stand in your statute-book!—But, sir, I have not even now stated all the mischief and anomaly of this regulation. I believe, there is no person who knows any thing of the administration of justice, who does not admit, that the judge or tribunal, that is to decide, receives the greatest benefit from having the case discussed by counsel at the bar. This is a topic on which I need not enlarge, it is so universally admitted. No mind, however enlightened, can have the law present to it in all its parts, and in every aspect. The arguments of counsel refresh the recollection, and inform the understanding of the most learned judge; their industry produces analogous cases for consideration, and aids in every respect. The greater the learning, the more enlightened the intellect of the judge, the more anxious is he to have this assistance afforded to him. But, by the measure proposed, the tribunal upon which every thing is to turn, the court which is to decide the difficult question of law, on which the justice of the particular case, and the rights of the parties depends, is to do it without hearing the argument of counsel; without any discussion before them, public or private, they are to proceed, upon the mere light of their own understanding, without any aid whatever. Thus it is that the rights of parties are to be dealt with, under this extraordinary and unprecedented regulation. The plaintiff, or pursuer, who has the choice of his tribunal, by the act of the court, without argument, or protest, or appeal, to have the court he has chosen changed upon him. In the same manner, both parties are to be subjected to have the case stated without their intervention—to have the judgment on the case so stated delivered in private, and by judges who have heard no argument, or any discussion on the subject. Is it possible more entirely to subvert every sound and received principle of jurisprudence on the subject of judicature; and is it possible that such a regulation can be allowed to continue!—Sir, in the consideration which I have long, frequently, and repeatedly bestowed on this subject, it has occurred to me, that as the court of session is to be formed into two chambers, a very simple regulation would attain all the effect meant to be got by the institution, on which I have been observing, without violating those principles which should uniformly govern in all judicial establishments; while it would, at the same time, be attended with many other most important improvements in the system.—I readily admit, that it may be very difficult to secure uniformity in the law, where there is nothing to connect the court, and that the two tribunals or divisions of the court, about to be established, would, without mutual communication, in the end, adopt different principles of decision, unless there were some mode of communicating upon and discussing the same points, or some corrective power by the one tribunal over the acts of the other. It is to be observed, that in the court of session, as now constituted, there is a mode of re-hearing a cause, after a decision or interlocutor of the court has been pronounced, by what is called 'a reclaiming petition.' This mode, now that there is but one court, is the only course of proceeding that can be adopted; but it is necessarily attended with a most grievous defect in the judicial system, being an appeal *ab eodem ad eundem*, from the same court to the same court. Now, is it not most extraordinary, that when the means is obtained, by the division of the court into two chambers, to get rid of the same tribunal judging the same case over again, that the proceeding, by reclaiming petition, for any thing contained in this bill, is left where it was. So that if a suit shall be commenced in the court of the president, and either party discontented with the interlocutor, or decree, the same court or division is to hear it over again. If, instead of leaving this without any regulation, and permitting the reclaiming petition thus to make the same tribunal revise its previous judgment, it had been enacted, that the reclaiming petition should carry the review to the other tribunal. That is, if a judgment pronounced in the president's court, had been carried by reclaiming petition to the court of the justice-clerk, and a judgment of the justice-clerk's court carried by reclaiming petition to that of the president's court, the one would have acted as a court of review upon the other. And thus the parties would have the judgment of all the wisdom of both courts. The satisfaction arising from this would have a direct tendency to stop farther litigation—Appeals to the house of lords would thus gradually diminish—the incongruity of an appeal *ab eodem ad eundem* would be got rid of; and the law, by being thus liable to be discussed in the same cause by both tribunals, would be kept uniform. This I conceive to be a matter well worthy of consideration, and extremely fit for further regulation by parliament. Nor can it be said that this mode of proceeding would deprive the party of the tribunal which he had originally chosen. It might as well be said, that introducing the Exchequer Chamber (as a court of error) into the judicial system of England would change the tribunal where a writ of error is brought. In this country (England) when a party institutes his action at law, he has it in his choice to commence it in any of the three courts (with the exception of real actions which need not now be entered into), in the King's-bench, Common Pleas, or Exchequer. But it never could be said, that when an action is commenced in the King's-bench, that if the losing party carries it to the Exchequer-chamber, the tribunal originally chosen is changed against the will and without the consent of him who chose it. A tribunal cannot be said to be changed when it is appealed from: but if the judges of the King's-bench were authorised to refer the law of a case brought before them to the Court of Common Pleas, and to receive the law from that tribunal, and were to be influenced by and to act on that opinion, then the tribunal would be changed without the consent, nay against the consent of the plaintiff, who had selected, as he was entitled to select, the king's bench to judge his case in the first instance. But if the losing party carried his case by writ of error to the superior tribunal, that would be an appeal to a higher power, not a change to a co-ordinate court. In the same manner, the regulation which I propose would be an appeal to another or reviewing tribunal, and would not be a change of court without or against the consent of the party.—I now come to that part of the subject which I conceive to be by far the most important improvement that can be made in Scots judicature, next to the introduction of trial by jury. I mean the manner in which decided cases are reported, in what are called in this country reports, in Scotland decisions. This subject, important as I conceive it to be, has formed no part of any bill yet brought forward, and has never, as far as I know, received any public discussion any where. It is a subject on which I have thought repeatedly and anxiously; and after considering it in every point of view, I can see no objection whatever to the regulation which I am about to suggest, and which I shall endeavour to carry into effect, by moving to insert it as one of the matters to be referred to the consideration and report of the commissioners. It does not seem to me that there can be the least objection to its introduction in that way, because directing the inquiry concludes nothing; and it must be a great advantage to suggest to the consideration of the commissioners a matter so very important, and what might not otherwise be considered by them as a subject with respect to which they are authorised, by any general words in the bill, to examine and report. But before I enter upon the merits of this most material question, I wish to obviate an objection which I am aware will be made to my amendment. I know it will be said, that what regards the mode of reporting cases, or collecting decisions, is a matter for the court to regulate by rules of court, (in Scotland called acts of sederunt.) To this I answer, that the commissioners are directed to inquire into, and report respecting matters which are equally the subject of acts of sederunt. It appears, by the recital in the fifth page of the bill, that the commissioners are to inquire into the forms of process; and it is enacted in the sixth page, that they should report in what manner the forms of process might be improved, and the particular matters, many of which might be regulated by acts of sederunt, are there specified.—What I shall propose, therefore, is only adding one further head of inquiry to those already inserted of a similar nature, to enable the legislature to judge, with full information, obtained from the report of the commissioners, of a subject which cannot fail to appear to be one of great importance.—But, besides, sir, as the court is now constituted, and as it will remain constituted even after this bill passes into a law, I despair, without the authoritative intervention of the legislature, of seeing any thing done on this subject. Although the court is divided into two chambers, for the purpose of dispensing justice, the power of making acts of sederunt, or rules of court, is still to remain with the whole body of fifteen Judges acting together for that purpose; so that there is no power given to each chamber or division of making rules for itself. I am not discussing whether this is right or wrong, but shewing that, if the mode of reporting which I have to propose has been viewed with any prejudice by the court of session heretofore, it is probable that that prejudice will continue to operate. But, besides this, it is very material to know, that the system of reporting which I propose to recommend for introduction, has, in fact been already attempted, and has been suppressed by the court of session.—A gentleman of the name of Bell, who showed himself highly qualified for the business, whose reports are universally allowed to be most accurate, did commence reporting the opinions of the judges individually. But his reports were forbidden, by the court of session, to be cited as authority in that court; and, by this means, after having acquired great reputation, Mr. Bell was obliged to abandon his pursuit. I do not mention this with a view to find fault with the acts of the court; they may have been influenced by a sense of duty in protecting the regularly appointed collectors of decisions. But I mention it as a most important fact, to show the opinion of the court upon such a subject, and to satisfy the house that, without the interposition of parliament, it is not to be expected, but that the same body will continue the same prejudices, or act, if you will, from the same sense of duty as they did before. There is nothing that I can see to change their mind; for the objection of the court does not arise to this mode of reporting, from their strictness in refusing information, unless it is known to come from sources of established authority only. On the contrary, the court of session is very liberal in that respect. But Mr. Bell's reports (and his fidelity and accuracy was never doubted) gave the opinion of each judge in detail, a thing to which the court had not been accustomed, and which they disliked. Now, sir, this is exactly what I am anxious to have introduced into the judicial system of Scotland, as one of the most important regulations which can be devised; without which, their law never can be improved, or their judicial conduct reach the perfection of which it is capable.—The giving the opinions of the judges specifically, in detail and in substance, with accuracy and correctness, in the reports of decided cases, goes a greater way to secure an anxious and accurate discharge of the judicial function than almost any other regulation that can be made. When the words of a judge are to be forgotten as soon as spoken, when there is to be no written memorial of what he has said, one great incitement to accuracy and attention is removed; when on the other hand, his words and opinions are sure to be recorded, to the desire of distinguishing himself for the moment, before the bar and bystanders, is added that most powerful of all incitements to human exertion, founded in a propensity deeply planted in the breast of every man who is actuated by an honourable and honest ambition, the desire of having his name and reputation handed down to posterity. When judges are to have their opinions thus set forth to the public in printed volumes, which are to be the authority for future judgments, it insures due and deliberate consideration of what they are to say, and checks any tendency to looseness of thought, defect of information, or inaccuracy in delivering what has been deliberately and previously considered. But the mode of reporting decisions of the court of session, gives no security for any thing of the sort.—This is not the fault of the collectors of decisions, who are always gentlemen of a certain number of years standing at the bar, well qualified no doubt for the discharge of that or any other duty, being chosen by the faculty of advocates from among their own body. I mean no reflection on them, nor do I mean any reflection on the court; I am discussing natural effects, arising from natural causes, with the freedom which the subject requires, and which this place admits; but I trust I am doing so in strict conformity to what I promised at the outset, that I am stating my views of the subject in a manner strictly judicial, and without any tendency to eagerness of debate.—In Scotland the decisions consist of an abridgement of the arguments on each side, taken from the printed papers in the cause. This is followed by the interlocutor or judgment of the court, which is usually comprised in one short sentence; but not one word is given of what the judges deliver as the grounds of law on which the interlocutor is founded. When these decisions are to be applied, therefore, there is no way by which the opinion of the court is to be collected. You can only guess that the best arguments, afforded by the side which prevails, were probably the grounds of determination adopted by the court; but if the court went on different grounds, the decisions contain nothing to show it. When the court is divided, nothing appears to show the division; there is no appreciating in such a case the value of the decision, by the weight of the reasoning, or the character of the judges on the one side or the other. When the cases come to the court of appeal, the opinions of the judges below (which are now always asked for) are only to be had from notes ill taken by persons who, from want of habit in taking them, for reports to be published, are not possessed of the art of taking notes. In one recent instance, indeed, the notes of the judges speeches have been revised by themselves, and printed (in the late case respecting the augmentation of ministers' stipends); but this has been very rare, and is not generally practicable, as the judges, even if they were inclined to it, have not always time for it. What I wish, therefore, is, that some plan should be suggested by the report of the commissioners, which may induce the legislature to put an end to the present system of reporting in Scotland, and to put it on the footing on which it has always stood in this country.—From the period of the year-books to the present time, from the reigns of the Henrys and the Edwards, to the publication of the last number of the Term Reports, it has been the constant and invariable course to give the opinions of all the judges, when they delivered their opinions *seriatim*, or to give the solemn judgment of the chief when he delivers the opinion of all the court. It is this habit and custom which has not only served to form the character of English judges and English courts, but it is this which has been the means of unfolding the great and leading maxims of the law, of illustrating and confirming them, and handing them down from age to age, so as to trace them with certainty to the text authors; enabling us thus to confirm their doctrines and principles, or to correct them, and has thereby fixed the law of England upon sure unalterable principles; and thus the reports of English cases are calculated at once to inform the mind of the student, refresh the recollection of the practising lawyer, to give certainty to the law, and security to our civil rights. These topics have been often dwelt upon by those whose pursuits have led them to consider this subject. But it has been more ably unfolded by a noble friend of mine, in his preface to the reports of the cases decided in the Court of King's-bench, in the time of lord Mansfield, than by any other writer on the law whatever—I mean lord Glenbervie. We are all, sir, well acquainted with the excellence of his reports on subjects materially connected with a most important branch of the duties of this house. But his reports of the decisions of election committees are not more eminent in their line than his law reports are in theirs. I am sure I do not go beyond what all the persons of the profession of the law, now listening to me, and the bar and bench throughout, will support me in, when I say, that that work, in all its parts, stands as high in reputation as the most eminent reports in the law of England, and that the preface to that work, which gives the history and effect of law reports in England, is most accurate in its details, and most sound in its conclusions. Every part of that preface is, for this purpose, well worth perusing. It shews that the voluntary acts of individuals who, like himself from time to time undertook the duty, were subsequently sanctioned by the court; and that the law has been, by this means, preserved and improved. But my purpose in referring to it now is, to shew the effect which, according to his account, it has had in forming the law of England.—Lord Glenbervie says, in his preface to the King's-bench Reports, 'The immediate province of the 'courts of justice is, to administer the law 'in particular cases. But it is equally a 'branch of their duty, and one of still 'greater importance to the community, to 'expound the law they administer, upon 'such principles of argument and construc'tion as may furnish rules which shall go'vern in all similar or analogous cases.'—'Such are the various modifications of 'which property are susceptible, so bound'less the diversity of relations which may 'arise in civil life, so infinite the possible 'combinations of events and circumstances, 'that they elude the power of enumeration, 'and are beyond the reach of human fore'sight. A moment's reflection, therefore, 'serves to evince, that it would be impos-

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'sible, by positive and direct legislative 'authority, specially to provide for every 'particular case which may happen. 'Hence it has been found expedient to 'entrust to the wisdom and experience of 'Judges, the power of deducing, from the 'more general proposition of the law, 'such necessary corollaries as shall appear, 'though not expressed in words, to be 'within their intent and meaning. De'ductions thus formed and established in 'the adjudication of particular causes, be'come, in a manner, part of the text of 'the law. Succeeding judges receive 'them as such, and, in general, consider 'themselves as bound to adhere to them 'no less strictly than to the express dic'tates of the legislature.'—The doctrine here maintained relates to reports which contain the opinion of the judges, with names of each judge prefixed to what he is reported to have said on the question; and it is to these opinions, so reported, that so much respect is paid. Those are the opinions which succeeding judges 'receive as text law, and to which they 'consider themselves bound to adhere, no 'less strictly than to the express dictates 'of the legislature.'—A nation where the judicial habit has been thus formed and fixed, cannot fail to have advanced as near to certainty and perfection in the distribution of justice as human nature is capable of. To impress this view of the subject, so instrumental in forming the judicial character, so well adapted to fix the principles of law, and so important to substantial justice, I wish to add the eminent authority of sir William Blackstone to that of lord Glenbervie; an authority which is now canonized by death, for, you know, sir, that by the rules of our courts, you cannot quote a living person as a text authority. In the first volume of his commentaries, sir William Blackstone says: 'The decisions of our courts are held in 'the highest regard, and are not only pre'served as authentic records, but are 'handed to us in the Reports, which form 'the lawyer's library. These Reports con'tain the arguments on both sides, and 'the reasons which the court gave for its 'judgment, taken down in short notes, by 'persons present at the determination. 'Besides the reporters, there are the an'cient writers on the law, from Glanville 'to lord Coke, all which forms the chief 'corner-stone of the laws of England, pre'served in our records, explained in our 'reports, and digested in the authoritative 'writings of the memorable sages of the 'law.'—Blackstone here explains the mode in which the reports are made. He shews the reliance which is placed in them, and the effect which they have had in forming, methodizing, and confirming the law of England. I hope I am not guilty of any disregard or want of attachment to the country to which I belong, by shewing great anxiety and extraordinary earnestness to extend to that country a system which has been attended with such real solid benefit in this country, and that I am not deceived by an unjust and partial leaning to the institutions of this country, in which I have contracted my legal habits, and formed my professional opinions, when I consider that the mode used here is calculated to promote and serve all the great objects to which I have so often alluded. Namely, responsibility in judges for what they say, as well as what they do, correctness of judicial character, great previous consideration of the subject, and due attention to the mode of delivery; these are its effects on the judges. As to the law, it affords a certain means of discovering the principles of decision in the particular case; of ascertaining the grounds of difference where the court is divided; of appreciating the value of different opinions or judgments which may have taken place. It is the grand and principal source and fountain of the law, and affords a sure and certain mode of ascertaining it at the time, of fixing it, and handing it down to posterity. It is from those voluntary acts of reporting by individuals that the law of this country has derived the most extraordinary advantages. It is to the liberal encouragement thus given by the judges of England to the efforts of individuals, that we are indebted for the reports by which lord chief justice Dyer and sir Edward Coke enriched the law of England, and that we have such just memorials of the decisions of lord Holt and lord Mansfield.—All this, as I have just said, has been the result of the voluntary acts of individuals who have addicted themselves to this pursuit, and it has been fortunate for England that such persons existed; for their labours, without any establishment for the purpose, sanctioned by the subsequent approbation of the courts, where their reports have been received as authentic evidence of judicial opinions, has attained the end.—It may be thought by some, indeed, that an establishment would have aided these exertions. But in England it appears that the authority of the state was not necessary to prevent a particular set of prejudices from obstructing the voluntary labour of individuals in this great work of public judicial utility.—It is not so, however, in Scotland. There are many persons of high authority there who may be unwilling to have it set about at all; and it is very unlikely, especially after what happened to Mr. Bell's reports, that an individual will again attempt reporting upon this plan. To remove all those difficulties, I should think it advisable to counteract the prejudices of the court by legislative authority; and to provide most minutely and particularly for all the means of accomplishing a system of reporting in the most perfect manner, instead of collecting decisions in the present form, where the opinions of the Judges, as I have said, are never given, but only the mere words of the interlocutor or decree.—There ought to be an institution of short hand writers to take notes of the arguments of counsel, and the opinions of the judges; these, when translated from the short-hand, should be delivered over to the collectors of decisions, an institution which might thus be rendered very useful, to methodize and abridge, and give them legal shape, form, and correctness. In extraordinary cases, the judges themselves might revise and correct the account of their opinions. Such an establishment, under proper regulations (not necessary to detail, but easily conceived) would soon alter the whole tone of judicial proceeding. Solemnity in judgment would become the characteristic of the court, and the cases in which there had been a division of opinion on the bench would become the most authentic and useful sources of legal information. Uniformity of decision would be secured from age to age, and the fluctuation of judgment and of law, so much complained of as to Scotland, would be gradually cured.—Sir, I shall trouble the house no longer on this important subject. There are many material parts of the bill, and many topics relating to the general measure on which I have not touched at all, not because I had not much to observe upon them, but because the period of the session, the state of attendance, and, above all, a determination to avoid all eagerness of agitation, by getting into topics where it would have been impossible to avoid comparison with another measure, (lord Grenville's,) has made me avoid them. I am happy in having had the opportunity of delivering myself on this subject, so interesting to the country to which I belong, and of course so interesting to me. I can make no return to that country, which has shewn me much, very much kindness, but by testifying, by every means in my power, that I am devoted to its best interests; that I do my utmost to understand them, and am anxious to make them the subject of public discussion and consideration. I have to return you, sir, and the few gentlemen present, my sincere thanks for the very kind and flattering attention with which you and they have honoured me. I shall only add, that when you come to the part of the bill which relates to the inquiry of the Commissioners, I shall move an amendment on the subject which I have last discussed, as an instruction for the Commissioners to inquire into, and report as to the collecting of decisions. I trust, sir, that both in the nature of my motion, and in the manner in which I have addressed the house, I have performed the promise I made at the outset, and that I have persevered throughout, in a temperate and candid discussion of this grave and interesting subject.

In page 11, line 34, of the bill, after the word 'Sessions,' Mr. Adam moved to insert the following words: "And whereas it would be expedient, that proper regulations should be made for the reporting the decisions of the respective Chambers, with the opinions which the Judges deliver in pronouncing those decisions, and to make proper regulations respecting them." If this recital had been agreed to, Mr. Adam had prepared an enacting clause to answer it; but this motion being negatived, it was not competent to him to move the enacting part.—After a few words from the Lord Advocate of Scotland in support of the bill, it was read a third time and passed.

HOUSE OF COMMONS.

Saturday, June 25.

[MR. PALMER'S CLAIM.] The *Chancellor of the Exchequer* stated, that it was not his intention to move the second reading of Mr. Palmer's bill. A communication had been made to him, that it was not the wish of Mr. Palmer that any further step should, at present, be taken on it, therefore, agreeably to what he had said last night, he should not proceed further in the bill.

HOUSE OF LORDS.

Monday, June 27.

[APPROPRIATION ACT.] On the motion for the second reading of this bill,

The Earl of *Lauderdale* took occasion to reprobate the manner in which, of late years, grants of money were brought before their lordships, and which went to deprive their lordships of all power of inquiry into the causes of such grants. These grants were made part of the Appropriation act; and as their lordships could make no alteration in the act without disturbing the arrangement of the supplies for the public, they were therefore debarred from making any amendment at all in the present act. This act contained the grant to the college of Maynooth, and another of 1,500,000*l.* to the East India company. He thought these two grants ought to have been made the subject of two distinct bills, that they might be discussed on their respective merits. Above all, were their lordships prepared to concur in the grant of the latter sum, without a tittle of information before the house to shew the fairness and propriety of such a grant? Were their lordships' hands thus to be tied up respecting such important matters, they might as well close their doors, for surely that house would then have become useless, and as such, must utterly sink in the estimation of the country. His lordship could not suffer this item to be proceeded in without some information. He should therefore move, "That a message be sent to the commons, requesting the Report of the Select Committee on the affairs of the East India company."

The Earl of *Suffolk* said, that it was a subject of great importance, and that the affairs of the East India company ought to be inquired into; for such was their management, that he believed it would be better for this country that the East India company should lose their possessions in that quarter of the globe altogether; and it might be desirable that such an event should happen soon, rather than increase our grants of large sums of the public money.

Lord *Hawkesbury* contended, that in respect to the grant made to Maynooth college, nothing had been done upon this occasion, but what the legislature had done with regard to former grants of this nature to the same college. When the last grant was voted by the house of commons, it was incorporated in the Appropriation act, and if there was no objection at that time, he did not perceive why it should have been included in a separate bill at this time. The principle of not including in such a bill such grants as might have a tendency to cause their lordships dissent to the bill altogether, was one which ought to be attended to, and had been considered in Mr. Palmer's case. The grant made to the East India company was in respect to what was due to them. He should not enter at large into the merits of the observations made by the noble earl, whether we had not better be deprived of these possessions altogether, but should not give his assent to the motion now before the house.

Lord *Holland* did not wish to protract the present discussion, but he must observe, that if the house were thus to be treated, if they were thus to proceed without necessary information, they had better shut their doors at once than be degraded in the public estimation.—The motion was then negatived without a division.

[CURATES RESIDENCE BILL.] The Earl of *Buckinghamshire*, previous to their lordships entering into any discussion upon this bill, moved, "That a Return be made of all the benefices in the kingdom of 400*l.* and upwards, distinguishing those where the incumbent was not resident either three months at one time, or four months at separate times."

Lord *Harrowby* opposed the motion, as it then stood, and proposed an amendment, omitting the words 'distinguishing those,' and in that shape he had no inclination to oppose the motion.

The Archbishop of *Canterbury* represented the great difficulty which would attend any attempt to gain the desired information.

Viscount *Sidmouth* expressed his concurrence in the motion as proposed by the noble earl; after which the house divided: Contents 16; Non-contents 28. Majority against the motion 12.

The Bishop of *London* then rose, and stated that he trusted the house would excuse any omission he might make in delivering his sentiments; for he felt the pressure of great age and bodily infirmity. It would become him, in the best manner he could, to give to the house the reasons which had led to the introduction of the present bill, and then to give a description of the provisions contained therein. Their lordships would take into consideration that evils had arisen in the church on account of the non-residence of its clergy. It was not merely reading prayers and preaching on a Sunday which formed the chief functions of a clergyman. Residence amongst the people of a parish, visiting them frequently, praying with and comforting the sick, instructing the ignorant, encouraging the virtuous, reproving the vicious, catechising the children, and superintending the schools instituted for their education, were duties which more immediately belonged to the office of a clergyman, and more essentially promoted the cause of religion. But, to accomplish this purpose, it was necessary to resort to the means provided by the present bill, which was no more than to take from those who did nothing, a reasonable allowance for the curate who performed the whole of the service for which the living itself was at first granted. To perform the several duties he had mentioned, it was highly proper that the resident clergyman should possess that degree of property which would enable him to appear with respectability, and have wherewith to relieve, on particular occasions, the distresses of his indigent parishioners. The introduction of this bill, therefore, became absolutely necessary for the welfare of the people, and the true interests of the Christian religion. An act passed in the 36th of the present reign, granting to the curate 75*l.* per ann. and the parsonage-house, in case of the incumbent's non-residence, or 15*l.* in lieu thereof if he did reside; but, if their lordships would recollect the high price of the necessaries of life, if they would reflect that curates in general were men of taste and literature, that they had been accustomed to support a decent appearance in the world, that they had been brought up at the university, and then, if they would also consider, that many of them had a wife, and seven or eight children, whom they were obliged to maintain out of so small a salary, he submitted to their opinion, that the situation of such a curate was absolute beggary. If he were disposed to take up their lordships' time, he had it in his power to pourtray such scenes of distress amongst poor curates, as would make a deep and melancholy impression upon their minds. The present measure went to provide a proper person to reside in those parishes which were deserted by their incumbents, where the living amounted to 400*l.* and upwards, and to allow, out of that income, one-fifth for the support of that person, so appointed, to do the duty. There were many benefices of 1,000*l.* 2,000*l.* and some of 3,000*l.* a-year, but this provision of one-fifth was adopted only till it amounted to 250*l.* a-year. Now, it had been said, that the principle of this bill was a violation of private property, and an innovation upon the ecclesiastical establishment; but, if we considered what had been done by the legislature in the 12th of queen Anne, and 36th of the present king, we should be convinced that such interference was not unprecedented. He considered that the living of every incumbent was conditional, and the canons of the church and various conventions, clearly shewed that it was according to the ecclesiastical law, that bishops had a right to interfere with the whole living, by taking it from the incumbent who neglected to perform his duty, and granting it to another under their own appointment. This right of the bishops interference had continued in unison with the ecclesiastical and statute law, from the time of Edward 3d., down to the present hour—a period of 500 years. Another observation had been made, and it contained a very grave and serious charge, alleging that the bishops already had too much power, and that they had been guilty of abuse in the exercise thereof. He trusted that no one would presume to attack a whole profession, without giving proof of his assertion. He should not believe the accusation, if it were not supported by sufficient proof, and he thought it would be difficult to produce any satisfactory testimony. At the same time, he was anxious to better the situation of the curates of this kingdom: the beneficed clergy would do him the justice to acknowledge that he had, on a former occasion, been as solicitous for their interest; and he did think that the success of that bill, which increased the livings of the clergy of London, was accelerated by his exertions, and he had received their thanks for his conduct in respect to that measure. Thus far he was induced to speak of his own services, but from no other motive than to justify his conduct upon this occasion. With confidence he felt himself disposed to leave the present bill to the due consideration and wisdom of that house, as their lordships would duly estimate its importance as necessary to support the best interests of religion.

The Earl of *Moira* considered the arguments alledged by the right rev. prelate, in respect to proceeding upon this measure, merely because the legislature interfering on a former occasion, in 1796, as dangerous to the rights of the Church. He did view this measure in a different light from that rev. prelate; at the same time, he venerated him for his learning, and the good he had done the country. But, paying him that homage which was due to him from every peer of that house, he could not reconcile the principles of the bill to his approbation. It was a violation of private property, and it was to be defended on this ground, that a part of the rector's income had been apportioned to the curate on a former occasion. Why then, at a future time another bill might be introduced, founded upon the present, to appropriate the whole of the incumbent's living! Even the act of 1796, in his mind, had been the cause of considerable hardship; there were livings as low as 100*l.* a-year, and yet 75*l.* out of that must be paid to the officiating curate. He felt as much as any man for the distressed situation of poor curates; but while we attended to their relief, we should be cautious of doing injury to another class of the same profession. He was adverse to the principle of the bill, and certainly should give his dissent to the measure.

Lord *Harrowby* vindicated the present measure, as justified by the laws of ancient and modern times. There was some reason to apprehend that the ecclesiastical law, without any act of the legislature, permitted the bishops to interfere with the disposal of benefices, for the purpose of having the service duly performed. The right by which all livings were held, he contended, was conditional. He argued from the canons and the statutes for centuries, that it had always been deemed the lawful right of the bishop to appropriate a part, and sometimes the whole, as a remuneration to the resident and officiating clergyman.

Viscount *Sidmouth* attributed the present measure to the reverend prelate who had spoken first in debate, and he regretted much that his duty obliged him to differ in opinion from one he so highly esteemed and venerated. But he was conscientiously bound to declare that he was inimical to the principle of the present bill. He could not consider the relief given to the curate as permanent; the rector might return to perform his duty, and then the increased salary of the curate would be taken from him, and he must return to his former poverty, which would not be doing a benefit, but an injury, to that class of the profession; so that, on their account, he did not approve of the measure. He did not perceive that any notice was taken of curates appointed by lay impropriators, who were equally worthy of the attention of the legislature. He did not know that any complaint had been made by curates themselves, nor had any petition been presented, stating such grievances to that house; and he hoped to be informed by two right rev. prelates from Ireland, then present, if they knew that such a proceeding would meet with the approbation of the Irish clergy. His lordship concluded by moving, "That the Bill be read a second time this day three months."

The Earl of *Suffolk* rose for the purpose of making a few observations, in respect to what had been stated by the noble viscount, concerning the situation of distressed curates. Two years ago he had interested himself on that subject, and had received nearly two hundred letters from persons of that class of the profession, but he had now lost them; but there were statements amongst them, which would have caused a benevolent heart to bleed. One of these letters accidentally was preserved (his lordship here read it); it stated that the rector possessed 1000*l.* a-year, and did no duty; he himself, the curate, had every Sunday to perform at three places of public worship; he had a family to support, and his salary was altogether 64*l.* a year. His lordship also mentioned, that a clergyman once came to his house, and appeared before his son, who performed the duties of a magistrate, and the nature of his statement was, that he was a curate in a parish, not far distant, the rector allowed him 50 guineas a-year, but he took care to deduct five guineas annually to pay that proportion of his income duty; and the commissioners, knowing he had 50 guineas salary, ordered him to pay another five guineas for his own property tax, so that he was in the actual enjoyment of no more than 40 guineas per annum. The noble earl expressed himself friendly to the principle of the bill.

The Earl of *Buckinghamshire* considered the present measure calculated to create great dissatisfaction and uneasiness amongst the beneficed clergy. He did not conceive that its advocates had made out a case, or that any evil was proved, calling for a remedy which so vitally affected the security of church property. The danger of such a precedent might unhappily be felt in future times; and it was impossible, in such a contemplation, not to advert to the case of a compliance with the Catholic petitions—an occurrence to which he was by no means friendly. It was also to be recollected that advowsons were now bought and sold in the same manner as any other negociable property. With what justice then, could the legislature call upon a beneficed clergyman, who had bought his living at a calculation of having the services of a curate at a certain price, to pay a still larger sum? Surely, it was in such a case no slight violation of the security of property. His lordship concluded by expressing his determination to vote for the amendment moved by his noble friend.

The Archbishop of *Canterbury* felt anxious to convince the house, that the measure proposed was neither oppressive in its operation, nor a violation of the interests of the Church. The power which it gave to the bishops was only similar to that with which they were invested in the earliest times of the constitution of the Church. He cited the case of a bishop of Worcester, who was rebuked by the Pope, for not allowing a sufficient compensation to vicars temporal—curates, as they were then designated in his diocese. Indeed, up to the Reformation, and subsequent to that period, such power was vested in the ordinary; and the very evil now sought to be redressed, was in a great degree to be traced to the enactment of a legislative provision, which, for purposes then perhaps apparently wise, deprived the bishops of such power, and substituted an act of parliament as the mode of regulation. The right rev. prelate concluded by observing, that he would be the last man in that house who would support the measure, if it in the remotest degree trenched upon the security or interests of the Established Church, but at the same time that he gave his support to the principle, he did by no means pledge himself to accede to any one of its provisions.

The *Lord Chancellor* took the opportunity of saying, that it was his wish to restore those powers which originally were vested in the ordinary, and of which in times of violence they were deprived. His own opinion on this bill was in unison with the two decisions of the other house of parliament, and a previous one of their lordships; but still, though he supported the principle, he agreed with the right rev. prelate, who last spoke, in by no means pledging himself to its provisions.

The Earl of *Lauderdale* reprobated the measure. It violated the security of the property of the church, at the same time that it weakened the interests of religion. It was with young men in that sacred calling as it was with those in the other respectable professions of life. Deprive them of the stimulus to professional advancement and the spur to honourable ambition, and the legislature would deaden their industry and activity, both in the exertion of the talents, and the practice of the duties, which led to the highest honours in that and the other professions. In applying that principle to the present bill, he contended, that to give the young curate such an actual provision for all the enjoyments of life, as this bill gave, went to deaden every motive of fair ambition, and every inducement to deserve, by his exemplary exertions, the highest honours of the Church. He had a more paramount objection to this bill, inasmuch as it legislated on the morality of the country. The unerring testimony of experience convinced him that such precepts were worse enforced, if not totally perverted, by an act of parliament. The natural instinct of man led him to the fulfilment of his duties. The parent knew, and would practise, his duties to his child; so would the child to his parent; but, introduce an act of parliament for such regulation, and its introduction would not fail to dissolve the cement of the social feelings, and poison the very sources of human happiness. Besides, there appeared no necessity for this measure, as there was on their table neither addresses from curates, complaining of insufficient salaries, or from parishioners complaining of a neglect of duty in their rectors. But, perhaps, the great origin of the evil would be found in the frequency of ordination, and in calling to that profession such numbers of young clergymen as it was impossible to provide for. In such case the evils ought not to be visited on the beneficed clergy, but should be attributed to that glut of the commodity which the reverend prelates themselves occasioned. He also opposed the bill as laying a great weight on the possessor of a small living, at the same time that it affected the rector, with 2000*l.* a-year, in a very trifling manner.

The question was then put, and the

house divided: For the amendment 17; Against it 36.—Majority 19.

HOUSE OF LORDS.

Tuesday, June 28.

[CURATES RESIDENCE BILL.] Lord *Harrowby*, pursuant to a notice which he gave yesterday, rose to submit a motion to their lordships, which was suggested to him by some observations that had been made during the discussion of this question. It was agreed, and seemed to be wished on all hands, that something should be done towards improving the condition of the inferior clergy. It had all along been his opinion, that the house was proceeding to legislate on a matter respecting which they had nothing like adequate information before them. This want of due information he felt very anxious to supply; and the object of his present motion was, to endeavour to ascertain the number of livings which were under 150*l.* per annum. The noble lord then went into a variety of calculations, grounded on former accounts laid before the house, to shew what were the number of these livings; how many of them did not exceed 30*l.*; how great would be the amount of the sum necessary to bring these small livings up to 150*l.* per annum; and how long the period of time, under the present circumstances, necessary for the attainment of that object. It was also an object with him to ascertain how many livings were assisted by queen Anne's bounty. With a view to get at this object (an act of parliament he did not think necessary to accomplish it), he should content himself now with moving an humble address to his majesty, praying he would be graciously pleased to direct that there be laid before that house an account of the number of livings under 150*l.* per annum.

The Archbishop of *Canterbury* expressed his thanks to the noble baron for the pains he had taken on this subject, and his readiness to co-operate with him in the prosecution of his object.

The Earl of *Moira* also gave his hearty concurrence to the motion, and declared that no man could be more anxious than he was to see the condition of the inferior clergy improved. It was not only the comfort of those respectable persons he had in view, but the improvement of the morals of the commonalty, which improvement was intimately connected with the ease and comfort of the clergy. Perhaps, in addition to the information moved for by the noble baron, it might also be expedient to have before the house an account of the accumulation of the funds, known by the name of queen Anne's bounty.

Lord *Hawkesbury* approved of the motion, and assured his noble friend that every thing should be done by him to give effect to his laudable intentions and endeavours.—The question was then put and agreed to. After which the order of the day was read for the house to resolve itself into a committee on the bill, when

Lord *Sidmouth* rose to move an instruction to the committee. In his opinion, whatever came under the description of the object which the bill had in view, might be embraced by it. Its object was to afford relief to resident curates, where that relief was justly required, and where it might be easily procured. His wish now was to extend that relief to curates appointed by lay impropriators, and his lordship concluded with moving an instruction to the committee to that effect.

Lord *Hawkesbury* was sorry he could not assent to the proposition of his noble friend. That proposition broached an entirely new principle, which was not connected with the present bill. It should therefore be introduced in a separate bill, and stand upon its own merits. The principle of the present bill was not new, but had already been, twice at least, recognized and sanctioned by parliament.

The question was then put on lord Sidmouth's motion, and negatived; after which, the house resolved itself into the committee on the bill. In the committee, a clause proposed by the earl of Moira, for rendering the curates acting under the bill liable to penalties for dilapidations on the vicarage houses, was opposed, on the ground that there was an action at common law in such cases. On a division, the clause was negatived by a majority of 26 to 6.—Another division took place on an amendment proposed by the archbishop of Canterbury, on the clause calling upon the bishop when assigning to any curate the allowances under this bill, to assign the reasons on which he interfered. His grace stated, that though the bishops were by the constitution responsible to the king, as the head of the church, they were not under the controul of the privy council. It was therefore unconstitutional now to subject them to the authority of that tribunal. The amendment was supported by lord Hawkesbury, and opposed by the lord chancellor, who, though he allowed that the bishops were in ordinary cases responsible only to the crown, maintained that when extraordinary powers were given to them by the legislature, there was a right in the legislature to regulate and controul the exercise of those powers. On the division there appeared, For the amendment 15; Against it 16.—After some further conversation on the provisions of the bill, it passed the committee without any amendment.

HOUSE OF LORDS.

Wednesday, June 29.

[Appropriation Act.] On the motion for going into a committee on this act,

Lord *Holland* rose, and repeated his objections against inserting in this act the Grant to the college of Maynooth, and that to the East India company. The change in the amount of the former grant, he saw no reason to justify. It was a deviation from the principle upon which the grant had first been made, and upon which it had been augmented in the last session of parliament. He wished to learn from the noble secretary of state, by what inducements government had been led to diminish the grant, and thus depart from the principle which had first suggested it to the adoption of government, and the sanction of the last session of parliament. That principle, the world knew, was the principle of so far conciliating the catholics of Ireland.

Lord *Hawkesbury* acknowledged, that the grant had in some measure been diminished; but it was upon an understanding that no larger a sum should be granted than was necessary to complete the buildings that were then commenced at this establishment. It was originally intended that accommodation should be provided for a certain number of students; but when it was proposed to carry that accommodation to an unlimited extent, it was thought proper to stop at what was first conceived to be an adequate provision.

The Earl of *Lauderdale* reprobated the idea of circumscribing the privileges and powers of that house, by conforming to any understanding that might be supposed to have been agreed to in another place. There was no end to the extent to which such a mode of reasoning might be carried, if it was sufficient to say, that upon an understanding between ministers in another place, such and such a measure was to be adopted and inserted in the Appropriation act, thus attempting to deprive their lordships of the exercise of their judgment on such a measure.

Lord *Hawkesbury* disavowed any such design on his part, and only adverted to the principle upon which the measure had elsewhere been adopted, and not to any particular understanding between individuals of his majesty's government on the subject.—The bill was then reported.

[Stamp Duties Bill.] On going into a committee upon this bill,

Lord *Holland* inveighed against the principle of this bill in the severest terms. It went to oppress those who were already labouring under circumstances of distress and difficulty, by increasing the duties on deeds of conveyance, which besides must fall with peculiar hardship on the proprietors of land. The bill would also severely affect attorneys, and he should never approve of any principle of taxation that tended to press with peculiar weight on any particular class of the community.

Lord *Hawkesbury* observed, that under the urgent exigencies of the present moment, it was necessary to have recourse to every possible source of revenue. The principle of the present bill had long been acknowledged and acted upon by parliament, and the increase of the duties in the present instance was only a further extension of that principle. That principle did not bear harder on the landed than on the commercial interest; on the contrary, it must weigh heavier on the latter than on the former, as transfers of property were more frequent among commercial men than among landed proprietors. It moreover would operate equally on the buyer and the seller.

Lords Rosslyn and Lauderdale contended, on the contrary, that the hardships of the increased duty would fall almost entirely on the seller, who, from urgent circumstances was compelled to transfer his property. Indeed, the principle of the bill was in every respect iniquitous and unjust.—After a few words from lord Hawkesbury, the house resolved itself into a committee, on the bill; after which, the report was received, and the bill was ordered to be read a third time to-morrow.

HOUSE OF COMMONS.

Wednesday, June 29.

[Mr. Alexander Davison.] Lord *A. Hamilton* rose to put a question to the right hon. the chancellor of the exchequer, on a subject to which he had long since called the attention of the house, and the prosecution of which he had on that occasion relinquished, in consequence of an assurance given to him and to the public, that the proper steps were in train for procuring justice to the public. The subject he alluded to was, the matter of one of the Reports of the commissioners of Military Inquiry, respecting the conduct of Mr. Alexander Davison. It was now nearly twelve months since he had received the assurance that proper measures were to be pursued on this head, and yet all that the house knew at present was, that an inquiry had been instituted, and it was manifest that very great irregularities, to say the least, had been committed. The question he had to put was, to ascertain by the answer, to what extent the measures, which it might have been desirable to resort to, had been acted upon. If the answer he should receive should not prove satisfactory to him, he should feel it his duty, in an early part of the next session, to bring the subject in some shape or other before the house. He had but one more observation to add to what had been stated, and which was rather of a nature personal to himself. It had been intimated to him from several quarters, that, if he had not taken up the matter, it would have been in the hands of others, who would not have lost sight of it, and consequently he was bound to bring it under the consideration of the house.

The *Chancellor of the Exchequer* could not have the smallest objection to the production of the fullest information on the subject of the inquiry to which the noble lord had alluded. The noble lord could not be unaware that a parliamentary commission had been appointed, to whom the whole of Mr. Davison's accounts had, in consequence, been referred. That commission had from time to time made Reports upon the subject of the inquiry intrusted to them, to the Treasury, which regularly submitted these Reports to the law advisers of the crown for their opinion, whether a civil or criminal process should be founded thereon. It appeared upon some of them that the inquiries were not sufficient; upon others, on the contrary, it was considered that a legal demand existed on the part of the nation, to be recovered by civil process; and in every such case, application had been made to the party, as was customary in all private transactions, for payment of the sum demanded before the commencement of a civil suit, with directions, in case of non-compliance with the application, to resort to legal process. As the inquiries were still in prosecution, the noble lord might, in the next session, if he desired information upon the subject, apply to the treasury, and he had no doubt the business would then be in such a state as to allow of the whole proceedings being laid before parliament. For the present, he was sure the noble lord would not expect him to explain further, but of this he could assure that noble lord, that the subject had never been lost sight of by his majesty's ministers.

[FINANCE COMMITTEE.] Mr. *Bankes* presented from the bar the Third Report of the Committee of Finance. On the report having been read, the hon. gent. rose to move that it do lie on the table, but before he should make that proposition, he felt it necessary to address an observation or two to the house. He hoped that gentlemen would not be alarmed at the enormous mass of papers which he had brought up, because under the instructions which had been given to the committee, he had conceived it necessary to communicate all the returns upon which the Report of the committee was founded. Only a small part, however, of the papers before the house, would be necessary to be printed, and he trusted, from the part he had taken in the discussions respecting the printing of papers, that the house would give him credit for not wishing to have more printed than were absolutely necessary to put the house in possession of the subject. It was only a small part therefore of the papers which he had brought that he should move to be printed. On presenting a Report, which had occupied so large a portion of the attention of the committee, he was afraid that the house might suppose that much time had been lost in preparing it. But he could say, as well for himself, as on the part of the other members of the committee, that they had not been wanting in their duty. The delay, and that of some months, in presenting the Report, had arisen from the contrariety of opinion which had taken place in the committee, owing perhaps to its being composed of too numerous an assemblage of members. If it should be the pleasure of the house, that the committee should be renewed in another session, it would be a question, founded upon the experience of the present session, whether it ought to be composed of so large a number. Though this was the only Report which the committee had presented in the present session, he assured the house that they had attended to other subjects, upon which they had made some progress, though under the instruction given to them by the house, they had looked upon themselves as bound to suspend such inquiries in order to make up this Report. They had made progress in the business relating to the Pay office, and the War office accounts; but as these subjects were also under the consideration of the commissioners, they deemed it expedient to wait till these commissioners should make a Report upon these heads, a report which had been presented only on Saturday last. As to the report which the Committee of Finance now made to the house, he had only to say, that it was less satisfactory to himself, than the report which a few days since he had hoped to lay upon the table of the house; and if gentlemen should be disappointed by its contents, he could assure them he had expected a few days since to have presented a report in a shape which was consistent with his own wishes. Some alterations, however, had been made in passages of that report, and some omissions; but he did not mean to complain of that. It might have arisen from a smaller number of the members having attended towards the close of the session, than in the earlier part of it, when the original form of the report had been agreed to. Such a circumstance was incidental to all large assemblies, and without complaining of it, he stated the fact only for the guidance of the house, when the question concerning the revival of the committee should come under their consideration. Whatever might be thought of the report which he had presented, he had acted under a sanction of the majority of the committee present when it was finally voted. Upon the whole, however, it would be found to contain much useful information, and many suggestions that would be productive of public good. At all events, he was happy that this part of the labours of the committee had been brought to a termination. The hon. gent. then concluded by moving, that the Report do lie on the table, and be printed.

Mr. *Leycester* coincided with the hon. gentleman in every thing he had asserted, with respect to the assiduity with which the hon. gentleman and the other members of the committee, had discharged the trust committed to them. He should have confined himself to this corroboration of the statement of the hon. chairman of the committee, if he had not felt it necessary from what had fallen from him on other topics, to add a few observations in order to obviate any misconception with regard to what had passed in the committee. The hon. gentleman had stated, that some passages of the original report prepared by him had been altered, and another left out. As to the alterations, he should observe, that when the report had been first proposed to the committee, most important differences prevailed respecting several passages in it, and one passage had been carried in that instance only by a majority of one. Upon that occasion, notice had been given, that, on the second reading of the report, a stage understood on all hands to be designed for a revision of the report, an alteration would be proposed. Some alterations were on that occasion carried by a small, others by a great majority of the committee, and others again unanimously, and this at a meeting called by the chairman in the regular way, and acceded to by those present when the adjournment of the proceedings was proposed. At a meeting so adjourned, the amendment to which the hon. gentleman had alluded, had been carried. The other passage to which the hon. gentleman had alluded had been left out of the report. From the importance which the honourable member attached to these passages, the house might suppose that they were of very great consequence, and from what had been insinuated out of doors, it would seem as if the committee was disposed to screen public delinquents. But the house would be surprised when he explained to them the real state of the case. The original report stated, if not in terms, at least in substance, that all sinecure places ought to be abolished, with few exceptions; and the amendment was, that the emoluments of some sinecure places ought to be diminished, and that others should be abolished. When he stated this he was convinced that the house would not consider the difference of such importance, nor that much weight was to be attached to the circumstance of the original passage having been in the first instance carried by a majority of one. The house was left in the same situation with respect to the course it might think proper to pursue, by the amendment as by the original passage, because no definite line was pointed out in either, and it remained for the house eventually to determine for itself. As to the other passage, to which, as having been left out, the hon. gent. had alluded, he rather thought that it was the passage which related to the increase of the influence of the crown. One objection to that passage was, that whilst it enumerated all the circumstances which had increased the influence of the crown, it omitted those by which the influence of the crown had been diminished. It was his opinion, at least, that if that subject were to be introduced at all into the report, all the circumstances on both sides ought to have been noticed. But there was a still stronger objection to the passage. The object of the appointment of the committee was, not to inquire into the increase or diminution of the influence of the crown, but to investigate the circumstances of the public expenditure, and to report how far public money might be saved in that expenditure. He was sorry to take up the time of the house between the merits of the original report and the alterations which had been made in it. But he should be glad if every amendment that had been proposed, and every question that had been discussed in the committee, were before the house, and he was confident that the house would concur in every alteration which had been made.

Mr. *H. Thornton* was anxious that this subject should be fully explained to the house. He had risen to support the statement that had been made by the chairman of the committee, and to prevent any improper impression being made by the statement of the learned gentleman who had just sat down. That learned gentleman seemed to think, that the difference between the passages of the original report and the alterations made in it, was wholly unimportant, whereas, for his own part, he thought it by no means trifling or unimportant. As the report stood a week ago, it expressed a wish to retain those sinecure places which were necessary to the dignity of the crown, and went on to state, that the remainder, with few exceptions, ought to be abolished. In this passage, the committee expressed a decided opinion upon the principle of sinecures. It recognized the principle of the former finance committee in reserving these sinecures, which would be the remuneration of great public services, and for which, if not reserved, a provision should be substituted out of the public funds of the country, whilst at the same time it asserted a principle against sinecures in general.—The amendment, on the contrary, stated only that some sinecures ought to be retrenched, and others abolished, without containing any opinion against the general principle of sinecure places. As to the other passage which had been alluded to, that was not of so much consequence. The increase of the influence of the crown had only been introduced to meet an argument against retrenchment, that would lessen that influence, by shewing that if it should be diminished by such retrenchment, it had been increased in other respects.—The Report was then ordered to lie on the table. On the motion for its being printed,

Mr. *Horner* said, he should be glad to know precisely what parts were intended to be printed, and what to be left out. It seemed now doubly necessary from the account they had just heard of the difference of opinion in the Committee, that the house should have as much as possible before them, in order to be able to form a judgment for themselves.

Mr. *Bankes* replied, that whatever difference of opinion there might have been on other subjects, there had been none as to the selection of the particular documents necessary to be printed along with the report. Every information would be before the house, and a catalogue of the papers not required to be printed, but which were laid on the table, would be added, so that those papers might at any time be referred to for particulars.

[Dismissal of the late Mr. Dalrymple.] Lord *H. Petty*, understanding that no objection would be made to his motion, after paying a high tribute to the science and services of the late Mr. Andrew Dalrymple, who had been offered a pension equal to his salary as Hydrographer to the Admiralty if he would resign, and on his refusal had been peremptorily dismissed his office, which circumstance had accelerated his death, moved for a copy of a Letter of the lords of the admiralty dismissing the late Mr. Andrew Dalrymple from his office of Hydrographer to the Admiralty.

Mr. *R. Ward* had no objection whatever to the production of this and every other document connected with the subject, and went along with the noble lord in bearing testimony to the merits and services of the gentleman whose removal was the object of the noble lord's motion. He could assure that noble lord, that the present Board of Admiralty felt as forcibly as he could, what was due to that gentleman's genius and services. But the real state of the case was, that for several months before his dismissal, the Board of Admiralty could not get him to comply with their most direct orders. If they directed him to supply a particular map or chart to a particular vessel, he replied with written folios, containing reasons for his not complying, which the Board of Admiralty could not countenance, and this he had done latterly in terms so offensive as to call for some decisive measure on their part. He had never heard of any offer of his full salary to that gentleman, but the letter requiring him to retire, without adverting in the slightest degree to his numerous acts of disobedience, was couched in the softest terms, and secured to him the usual portion of salary retained by public officers, on retiring from office.

After a few words from Mr. Horner in praise of Mr. Dalrymple, and from lord H. Petty and Mr. Ward, the motion was suffered to lie over for to-morrow, to give the latter an opportunity of considering how far the circumstances of the case could be brought under the consideration of the house.

[Criminals.] On the motion of sir S. Romilly, the following Papers were ordered, 1. " A Return of the number of persons, male or female, committed to the several gaols in England and Wales for trial at the different sessions and assizes in the years 1800, 1, 2, 3, 4, 5, 6, and 7; distinguishing the crimes with which they were respectively charged, and the numbers severally convicted, acquitted, or discharged upon proclamation, or by reason of no bill being found against them, and the sentences of such as were convicted, and distinguishing also the numbers of those capitally convicted, who have been executed; and distinguishing particularly, in each year, the number of persons, male or female, committed for privately stealing in a shop or warehouse to the amount of five shillings, and of those committed for stealing in a dwelling-house to the amount of forty shillings, and of those committed for stealing cloth from bleaching grounds to the amount of ten shillings, and the numbers indicted for such several offences, and the numbers convicted capitally upon such indictments, and the numbers of those so capially convicted who have been executed in each of such years.—2. A Return of the number of persons, male or female, committed to the several goals in England and Wales for trial at the several quarter sessions in the said years, distinguishing the crimes with which they were respectively charged, and the numbers severally convicted, acquitted, or discharged upon proclamation, or by reason of there not being any bills found against them; together with the sentences of such as were convicted.—3. A Return of the number of persons, male or female, who received sentence of transportation at the different sessions, assizes, and quarter sessions in England and Wales in the said years, distinguishing the numbers transported for 7 or 14 years, or for life.—4. A Return of the number of persons, male or female, who have been transported as criminals to New South Wales since the first establishment of the colony; specifying the term for which each person was transported, the date and place of the conviction, and the time of embarkation for New South Wales.—5. A Return of the number of persons who, being under sentence of transportation, have, in each year since the year 1780, died in the hulks."

[Hyde Park.] Mr. Huskisson presented an account of the Land Revenues of the crown; on the motion that it do lie on the table,

Mr. *Windham*, though not sure that the subject to which he was about to allude was within the cognizance of the house, yet considered it well worth its attention. He had heard lately that it was in contemplation to extend the buildings (which had already been carried too far), still further into Hyde park. Any contraction of that scene of public exercise and recreation would be extremely injurious to the health and comforts of the inhabitants of this great metropolis; and though he was not prepared to make any motion upon this subject, as a representative of the people, he was entitled to bring a matter of so much importance to their health and interests under the consideration of parliament.

The *Chancellor of the Exchequer* was at a loss to know what the right hon. gent. meant. He was not aware that the house could interfere with the disposal of the property of the crown, where an improvement was intended. When the right hon. gent. should give notice of this motion, then the house could judge of the question in some tangible shape. It could scarcely be the right hon. gent.'s opinion, that no improvement was to be made, or lodge built in the royal domains, till reported upon by a special committee of that house. Some buildings had during the present administration been erected in a corner of the park, not much used for the recreation of the public, which had led to others. But he could assure that right hon. gent., that he knew of no design to extend the buildings so as to contract the park.

Mr. *Windham* did not impute blame to any set of men, but still contended, that this was an interesting subject, and deserving the attention of the house.

Mr. *Creevey* corroborated what had fallen from his right hon. friend, and asserted that a correspondence had taken place between several of the nobility and Mr. Fordyce, on the subject of these buildings, and that Mr. Fordyce had been so accommodating, as to recommend to the crown, that they should be allowed to build the houses they proposed. If the precedent of the encroachment were once established, the public would, in the end, be excluded from the park. This was a fit object of the attention of that house. Besides, the recommendation might be a matter of favouritism, of which that house should be jealous. He therefore gave notice, that he should move for copies of the correspondence he had alluded to.

The *Chancellor of the Exchequer* had stated only, that he knew of no plan for extending buildings so as to contract the park. Application, however, had been made to the treasury to have superior buildings, in the place of very inferior ones now existing.

Mr. *Biddulph* observed, that if the plan were to stop there it might not be so objectionable. But he assured the house he had heard, in a casual conversation concerning improvement, of a plan for surrounding the parks with a belt of houses, the profits of which would defray the expence of building such a palace as would be suitable for a king of this country to reside in.

Sir *F. Burdett* had not heard of any of the plans alluded to by the hon. gent. who had just sat down, and confident he was, that they would not be countenanced in any quarter. The access to the parks was so essential to the health and recreation of the people of this great metropolis, that any beginning of encroachment ought to be resisted. If it was intended only to erect buildings on the site of the riding house, he should say that the riding house took up but a small space, whereas the mansion and offices of a nobleman would extend over a considerable space.

Mr. *Huskisson* observed, that there could not be any danger of favouritism, or of a beneficial grant to the individual now, in any case of a demise from the crown. The surveyor general of crown lands, was by law obliged to report the value of the land to be demised, estimated by professional surveyors, upon oath, to the treasury. As to the reports which had gone abroad, they were idle rumours, for which there was no foundation. He certainly had heard some which had not even the colour of probability, such as that lord Ponsonby and other noble lords were amongst the individuals who were to have the privilege of erecting these buildings.

HOUSE OF LORDS.

Thursday, June 30.

[Stamp Duties Bill.] On the motion for the third reading of this bill,

The Earl of *Suffolk* rose to express his disapprobation of the principle of the bill, and of the hardships to which it would expose persons already labouring under a multiplicity of distresses. The noble earl instanced the case of some tenants of his own, upon whom he knew it would press with peculiar severity.

The Earl of *Lauderdale* would not detain their lordships with a repetition of the objections to the principle of the bill, which he continued to consider as most iniquitous. He should then, however, in the most regular and public manner, enter his protest against it.

The Duke of *Norfolk* did not rise to oppose the bill. Burdened as the country already was with a load of taxes, its situation was perhaps such as, under the present circumstances, to call for and justify some addition to that burden. His object in rising now was to avail himself of the privilege of a peer of parliament, and offer some advice to his majesty's ministers which the present posture of affairs suggested to his mind. He hoped it might not be deemed irregular or unparliamentary to offer that advice, and put a few questions to his majesty's government, at a moment when parliament was voting supplies for the current services of the year. In stating, however, his opinion to the house, it was by no means his wish to draw any answers from the ministers which they should not deem it perfectly proper and safe to make;

indeed, he looked for no answers or observations at all respecting the subjects he should touch upon, unless his majesty's ministers thought it consistent with their duty and the present critical state of affairs, to enter into some explanation of them. The points to which he obviously alluded, and on which the public attention most anxiously hung, were the present situation of Spain and Sweden. The most wanton ambition, the foulest perfidy, the most cruel oppression, had lately displayed themselves in Spain, to a degree unparalleled, he believed, in any age or country. These excesses had fired the Spaniards with becoming indignation and resentment, and they were now endeavouring to resist the power which was preparing to overwhelm them. Such a spectacle must at all times be interesting to Englishmen; but it must be peculiarly so at the present moment. There was no man but must wish success to a generous people thus struggling in the glorious cause of the maintenance of their independence; no man, he was sure, could more cordially wish them success than he did, or would more willingly concur in the proper means of promoting and ensuring that success. But what were the best mode and the proper conditions by which Spain could be assisted? He did not pretend to know the particular circumstances in which Spain was placed, or the degree of hope that might be entertained of the success of those who were endeavouring to resist the sternest tyranny, instigated by the most desperate ambition, that ever was attempted to be exercised by any potentate over the independence of nations. Louis XIV. it was true, aspired to universal monarchy, but in a milder way, and with means less terrible. More formidable abilities, and more accumulated forces, were now to be contended against, and the issue was of the highest moment, not only to Spain, but to this country, to Europe, and the world. What part his majesty's ministers were prepared to act at so critical a juncture, he could not conjecture. They had at present in this country delegates from the brave people in Spain, who seemed determined to stem the torrent by which they were to be swept into servitude. From these, and other sources, he hoped they might be enabled to collect the best information of the real state of that country, and of the probability of success with which so bold and hazardous a struggle might be attended. With such information before them, what would be their conduct? This was the point which excited his anxiety. Would they hold out encouragement and assistance to the Spaniards who were now in arms against the invaders, before they saw any form of government established in the country with which they could communicate? Would they make common cause with the patriots of Spain, before they ascertained the principles upon which they were acting, and the ends which they were endeavouring to accomplish? He could not think it politic to embark in such a cause, without some previous knowledge of the designs of the Spanish patriots, without some more definite determination of the grounds upon which they were proceeding to act. He hoped ministers would, in the present case, take a lesson from past experience, and recollect the result of the interference of this country in La Vendee. He felt it his duty to throw out these hints, without expecting any detailed explanation of what might be the views and intentions of his majesty's government.—He now begged leave to trouble their lordships with a word or two about Sweden. The situation of that kingdom and of its sovereign was also highly interesting; respecting the issue of the struggle which that gallant prince was making against the common oppressor, he confessed he had his fears. Still, he should have our best assistance, as if our hopes of final success were most sanguine. Such an example was to be supported and upheld. But should that spirited sovereign be also doomed to yield, we should not be inattentive to the fate that was to befal his kingdom. If it was to be portioned out, should not this country look to the interests of Denmark, to the future views of the great northern power, and to the attempts that might still be made to assert the independance of the north of Europe? Our hostility to Denmark could not be very keen: we should even be disposed to make the *amende honorable* to her for what had past, and rather contemplate what reconciliation and future friendship might effect, than what might gratify present hostility. He should trouble their lordships no further, but only hope, that in expressing these his sentiments on the present occasion, he had not been guilty of any irregularity.

Lord *Hawkesbury* gave full credit to the candid and circumspect manner in which the noble duke had delivered his opinions upon points of such delicacy. The noble duke was perfectly regular in the mode he took of delivering them, for when supplies were to be granted to his majesty, it was doubtless open to every noble lord to advise how those grants ought to be applied. In adverting to the points to which the noble duke had more particularly directed the attention of the house, their lordships must be sensible that his observations must be very general, and that owing to the very peculiar and delicate nature of the subject, he could not at present enter into any detailed explanations. With respect to Spain, the people of that country had manifested a spirit and determination to resist the attempts of their invaders, which would have done honour to the most glorious periods of their history, and which perhaps were not to be expected under the pressure of such formidable difficulties. Such a scene, every man in that house, every man in the country, must hail with the liveliest satisfaction; and what every generous heart must wish should be done in support of so glorious a cause, his majesty's ministers would feel it their duty to do. With regard to what information they had received of the designs or the hopes of those brave and resolute men, who, in defence of their country's independance, were exposing themselves to every thing which a powerful and sanguinary tyrant could devise and inflict, it could not be expected he should now unfold it. His majesty's ministers were fully sensible of the extreme importance of this event; and he trusted they would be found to have acted accordingly.—The situation of Sweden was certainly the next in interest and importance, and towards the monarch of that kingdom, whose gallant exertions so justly claimed our warmest wishes and admiration, the conduct of his majesty's ministers would also, he trusted, appear to be without reproach. When the time came freely to unfold the principles and the views which had guided that conduct, whenever that moment arrived, he should not shrink from that inquiry; but on the contrary, be most forward and eager to court it. He hoped, that under circumstances like the present, he should not be expected to enter into any details, but be allowed to expect that their lordships might be assured that his majesty's government would neglect nothing which the nature of the circumstances, both of this and of other countries, might suggest and require.

Lord *Holland* still retained his objections to the bill, on which, however, he should not now again dwell, but rather follow the example of his noble friend near him, and shortly express his opinion of the present aspect of affairs. What was the extent of the means of the Spanish patriots, or what their future views respecting a change in their government, he did not pretend to be accurately informed of. Of the spirit that actuated them he had no doubt; and from the nature of the country, and the resources which that spirit would supply, he willingly took the most auspicious omens. It held out a prospect of things which authorized the best hopes; and he anxiously expected it would be improved and taken advantage of. Much would depend upon the spirit and the views with which the government of this country would now act towards Spain. His advice was, that their spirit should be most liberal, their views most explicit, their objects most distinct, and most plainly understood. If they attempted at all to assist the efforts of Spain to resist her invaders, they should broadly explain, not only what they intended to do, but also what they did not intend to do. Above all, they should convince the Spaniards, that in assisting them we had no private interests to promote, no selfish objects to attain, no favourite forms of government to prescribe, no commercial advantage to require, no exclusive partialities to insist on; that we disinterestedly assisted Spain to achieve what the Spanish people were hazarding every thing to accomplish; that we were consequently willing to guarantee the integrity of the Spanish empire, and to negotiate with any form of government which the Spanish people were disposed to adopt, or with any family which they might choose to call to the throne, if they decided on a monarchical form, whether limited or unlimited. Not a moment should be lost in laying down agreements of that nature. The time for acting was the present moment, and his majesty's ministers would be seriously responsible, if, for any petty considerations, such as those he had alluded to, the opportunity should be lost. He should again repeat, that the ground of co-operation and assistance between the two countries, should be broad, liberal, and thoroughly understood on both sides.

The Duke of *Norfolk* could by no means assent to a principle laid down by his noble friend; he meant the guaranteeing the integrity of the Spanish empire. He considered the Spanish possessions in South

America as lost from the present moment, and severed for ever from the mother country. It was, therefore, for the government of this country, a commercial and maritime nation, to watch the fall of the Spanish colonies. He could not otherwise look with security and satisfaction to the British interests in that quarter.—The bill was then read a third time.

[Hyde Park.] Earl *Grosvenor* rose to call the attention of the house to certain rumours that had gone abroad, of an intention to erect a number of buildings, so as to obstruct the view of the park, which contributed so much to the pleasure and the health of the inhabitants of the metropolis, while it would materially injure the property of several individuals. He was at a loss what mode to adopt, in order to bring the matter under their lordships' consideration; but as it regarded the welfare of the public, he must think there was some mode or other of submitting it to the consideration of parliament.

The Lord Chancellor and the earl of Lauderdale insisted that it was highly unparliamentary to interfere in the private concerns of the crown. The duke of Norfolk observed, that if the noble lord should hereafter contrive to bring the question before the house, he would pledge himself to prove that the public were more interested in the property of the crown than in the property of any individuals.

[Curates' Residence Bill.] Upon the order of the day for the third reading of this bill,

The Earl of *Buckinghamshire* renewed his objections to the bill at some length.

Lord *Harrowby* supported the bill upon the same grounds he had advanced upon a former debate.

The *Lord Chancellor* expressed himself as desirous as any man could be to provide amply for every degree of the clergy, so as to enable them to maintain the respectability and dignity of their sacred character; but he was much afraid this bill would not answer the end which it proposed. He clearly foresaw it would be productive of numerous vexations, which, instead of promoting the interests of religion, would rather tend to injure them. When the Residence bill passed that house, it had been proposed by a short clause, to make a provision for curates; but that clause had been rejected, and he was perhaps as much to blame as any other person for the failure of that clause. Viewing, however, the present bill in the light he did, he could not give it his support; but as his objections were principally grounded on what he conceived of its effects, as a lawyer, he would wish the reverend bench would give their opinions on it, which could not fail to have great weight with the house.

The Bishop of *Rochester*, in consequence of this appeal, rose and said, that the diocese over which he presided was so small, as not to furnish a sufficient number of instances by which any criterion for judgment could be established. He could, however, assure their lordships, that this was a measure to which he had paid great attention, with a view of extending all the relief, comfort, and convenience possible to those meritorious and active labourers in the vineyard for whom provision was intended by the present measure; he regretted, however, that the bill in its present form was completely inadequate to accomplish the object which their lordships had in view, and, above all, that it could not have that immediate and beneficial effect expected by the liberal and humane right reverend prelate, who chiefly supported it. Their lordships must be aware that nothing could tend so effectually to the support and maintenance of the established religion as union amongst its clergy. This was an object so desirable, that every well wisher of the church must feel strongly inclined to encourage and support it; but surely the proper line to be followed was not that which the clauses of this bill went to introduce, under the sanction of the legislature. The curate and the rector would be set at variance in the first instance, and then their superiors were to be involved in the contest by the power of appeal; so that from beginning to end there would be nothing but one scene of confusion, distrust, and jealousy. He certainly was as liberally disposed as any man towards the inferior classes of the clergy, but until some effectual plan should be introduced for affording them complete relief, he was not inclined to disturb the present order of things.

The Bishops of Hereford and Carlisle coincided with the right reverend prelate in his view of the subject.

The Bishop of *London* regretted the necessity which he felt of dissenting from the right rev. prelates who had just delivered their opinions; but, painful as it was for him to be in that situation, he still felt it incumbent on him to give his feeble support to this bill, because he was convinced that it would promote the interests of religion, and give additional security to the established church.

Lord *Hawkesbury* supported the bill, and said, that the right hon. and learned gent. who brought in the bill for the residence of the clergy, had expressly declared that a better provision should be made for the curates, by a subsequent measure, and under that impression he had supported that bill. When that bill was brought into the house of lords, a clause to make a better provision for curates was then proposed, and the noble and learned lord was one of those who particularly objected to it; so that he thought the present bill ought to pass, in order that a proper provision might be made for so large and deserving a body of the clergy as the curates.

The Bishop of *London* bore testimony to what had been urged by lord Hawkesbury by saying, that he had himself, when the Residence bill was before the house, proposed the clause in favour of the curates which had been alluded to; and he recollected, that the noble and learned lord had then particularly objected to it, on the ground that it should be the object of a separate bill. It had now been introduced in a separate bill, and he thought that bill should pass, for if it did not, he was afraid this would be the last time it would be attempted.

The *Lord Chancellor* said, that thus called on, he must beg leave to say a few words. He acknowledged he had opposed the clause alluded to, and which had been brought in by the rev. prelate who spoke last, and he had already mentioned it this evening, and taken blame to himself on that account. He then very much wished the Residence bill should pass, and he and other noble lords who thought with him, were apprehensive that if that clause was tacked to it, the bill would be lost. He owned they had been mistaken, but that was the real cause of their objection. He observed his noble friend (lord Hawkesbury) smiled at what he said, but if he meant it in doubt of what he said, he would not bear it; for he had already expressly mentioned the circumstance before either the noble lord or the rev. prelate had alluded to the clause in question. The noble lord had said, that a right hon. and learned gent. who brought in the Residence bill, had pledged himself that a separate bill should be brought in for the better provision of curates. If any man could alter his sentiments on the present bill, it would be that right hon. and learned gent.; but he believed, he neither attended the discussions on, nor voted for the present bill; but not even the high respect and affection he entertained for him could prevail on him to countenance a measure, which, in his conscience, he believed to be so pregnant with vexatious and mischievous effects.

The Archbishop of *Canterbury* said that he was perfectly satisfied with the principle of the bill, but there were some of the clauses which he thought would be attended with injurious effects, and would introduce vexation and mischief; he should therefore vote that the bill be rejected.

The question being called for, the Bill was rejected without a division.

[Maynooth College.] On the question that the Appropriation act be read a third time,

Lord *Holland* objected to it on the ground he had done yesterday, relative to the alteration in the grant to Maynooth College.

Lord *Hawkesbury*, for the reasons he had before assigned, defended the alteration.

The Duke of *Bedford* condemned the alteration in the grant.

The Earl of *Lauderdale* termed it a narrow-minded, parsimonious saving; and was sorry to find, that after ministers had expressed their wishes that all terms of asperity against the Catholics should be avoided, as well as every thing that might tend to irritation among them, they should have coupled two such transactions, as the sending back to Ireland, loaded with honours, a man, who had in a most illiberal manner always shewn himself a bitter enemy of the Catholics, and this paltry saving of 3,500*l.* previously granted them for the better educating, at home, priests to superintend the religion of the great mass of the people; which, taken together, could not fail, in his opinion, to cause the greatest irritation.—The Bill was then read a third time.

[Protest against the Sugar Distillation Bill.] On the third reading of this Bill, the following Protest was entered upon the Journals of their lordships: viz.

"Dissentient, 1st. Because, when we consider that the price of wheat was not higher than 72*s.* per quarter, nor the price of barley more than 40*s.* on the 7th of May, about which time it was first proposed to stop the distilleries, under the pretended notion of an approaching scarcity, and that the price of wheat was 75*s.* 6*d.* and of barley 44*s.* 9*d.* on the 1st

of Jan. 1802, at which time the prohibition, imposed in Dec. 1801, was done away by the legislature; it is obvious that this measure proceeds upon grounds perfectly different from those prohibitions which were enforced in the 35th, 36th, and 41st years of his majesty's reign.—Because, as we learn from the Report of the Committee, communicated to this house by the house of commons, that this measure was recommended 'with a view to apply as speedy a relief as possible to the case of the West India planters,' and that nothing in the evidence before them could have induced them to propose a measure so hurtful; independent of that consideration, we feel it our duty to protest against a principle so novel and dangerous as that of depriving the agriculturist of the benefit he derives from the demand created by the distilleries, for the sole purpose of a temporary relief to the distresses of any other classes of the community.—Because we see great reason to reprobate, in the strongest terms, that principle of commercial legislation, now for the first time adopted, which sanctions the temporary relief of those who have embarked their capital in one branch of industry, by imposing hardships on those whose capital is engaged in promoting the national prosperity through the means of another branch of industry.—It appears to us, that, if the price of cotton goods were at any time reduced so low, from the abundance of the stock in hand, that they were sold at a loss to the manufacturers, it would be a system new and injurious to prohibit, on that account, certain classes of the community from wearing woollen cloth. Yet it is upon this principle that the industry of the farmer, whose exertions are generally acknowledged to be the most beneficial to the community, is now to be depressed, for the purpose of affording an uncertain, and, at best, a temporary relief to the West India planter. LAUDERDALE,
SUFFOLK and BERKS,
SELKIRK."

HOUSE OF COMMONS,
Thursday, June 30.

[CORPORAL PUNISHMENTS IN THE ARMY.] Sir *F. Burdett* rose, and shortly observed, that the object of his motion was, for the purpose of bringing regularly before the discussion of the house in the course of the next session, a matter which he conceived to be of the first importance, and which had already been discussed incidentally. He concluded, by moving, "That there be laid before the house, early in the next session of parliament, Regimental Returns of all Corporal Punishments sentenced and inflicted during the last ten years, ending on the 1st of Jan. 1808, in every regiment of Regulars, Militia, Garrisons, and Artillery; specifying the causes, the sentence, and the number of lashes given at one or more periods."

The *Secretary at War* rose to give the motion his decided negative, and he trusted that the house would coincide with him in the vote he should give. He would not enter into much argument upon the subject, as the hon. baronet had not prefaced his motion with many observations; but he would appeal to the house and to the hon. baronet himself, whether any good consequences were likely to result from such a motion, at this particular time? For his part, he was convinced, that it could produce no good, and might produce great evil. On this ground, he would have opposed the motion, even if the return moved for had been a simple paper, which was already in the hands of all the members. Although he had already given his opinion on the subject when it was discussed incidentally, yet he should now repeat, that there was nothing which history made more evident than that a body of men subjected to military discipline, and governed by a particular law, were much more to be depended on in the field than those who were not so disciplined. If this, then, were to be considered as a general truth, he saw no reason why, at the present moment, and with such an enemy as we have now to contend with, that the discipline which had so long subsisted in the British army should now be shaken. It appeared to him that great evil might be produced from this question being agitated among the common soldiers. He was perfectly aware of the competence of the house to discuss this or any other subject which should be brought before them relative to the army, as it was competent to them to address his majesty on all such subjects; but, at the same time, it would be for the discretion of the house, and also for the discretion of the individual member who brought forward such motions, to consider whether they could be productive of any good, and whether, on the other hand, they were not likely to produce much mischief.—No member rising to speak, Sir *Francis Burdett* rose, in reply to what had fallen from the right hon. the Secretary at War. He was extremely surprised at the manner in which his motion had been received by that right hon. gentleman, as it appeared to him, that a matter of greater importance, or more peculiarly important in the present times, could not possibly be submitted to the consideration of the house. He thought they would do ill by the country, and that they would do ill by its gallant army, if they were to leave out of their consideration entirely the sufferings to which that army, and the individuals that composed it, were daily exposed. If this consideration was at all times due to the army, it was more peculiarly due to it at a time when it comprised so considerable a portion of our population, and when, by the institution of the Local Militia, every man in England was affected by the military code of the country.—He did not think that considerations of that nature should be answered by old trite observations, of military discipline being a necessary thing, and of disciplined troops being better than those that were undisciplined. Such general observations were not of weight enough to be entitled to put a stop to all discussion upon the subject. As to the objection of the great difficulty in obtaining such returns, he could not but conceive that those returns could be easily procured from every regiment in the service. As to the great danger that there was supposed to be in parliament meddling at all with the discipline of the army, he was enabled, in support of his own opinion, to cite the authority of Mr. Justice Blackstone, who in speaking of the Mutiny Act, said, " That the Mutiny Act was an act hastily penned, and he wished that it should be, some time or another, submitted to the deliberate consideration of parliament." It was not, therefore, extraordinary that he should view the subject in the same light that Blackstone viewed it, or that he should think that this was a time peculiarly proper for such a consideration. When the whole population of the country were becoming military, and perhaps ought to become military, at such a time it was peculiarly necessary that the military code should be made as congenial to the feelings of the nation as was consistent with the proper ends of military discipline. He could not see what objection there was to producing information upon the subject, as the house would have afterwards the power of determining, according to their discretion, upon the information so received. If the information was laid before the house, and the house, upon deliberate consideration, found that the system of corporal punishment could not be got rid of, it would at least be satisfactory to the public to know, that the subject had occupied the serious attention of the legislature. It might, perhaps, be found, that the system was at least capable of receiving a good deal of modification; and that it should not be left to the caprice, folly, or accidental disposition and character of mind of particular commanders, what punishment those under their command were to be subject to. It was well known in the army, that under one officer corporal punishments were seldom or never known in a regiment; but that when the same regiment passed under the command of another officer, they became frequent. It was in vain to say that the character of the English soldiers made the frequency of those punishments necessary; for it was well known, that some officers, much to their credit, preserved the discipline of their regiments, and increased their reputation, without often recurring to this mode of punishment; whereas there were other officers, under whom it was much practised, and it was not remarked that their regiments were much improved by it. He should not hesitate to name a particular regiment in illustration of his argument. The 15th Light Dragoons had formerly gained reputation for discipline at home, and for good conduct when abroad. It had, as he understood, been for nearly eight years under the command of an officer who was not fond of inflicting corporal punishments, and in the space of eight years there had been, as he understood, but six corporal punishments in the regiment, which was at that time remarkable for its discipline and good conduct. That regiment had, however, now got another commander (the duke of Cumberland); and while it was under his command, he was informed that there had been no less than 80 punishments in less than half that period; and he was told that the regiment was likely to be spoiled. He thought it was most evident that soldiers should not be left, in this respect, to the caprice or accidental character of the different individuals who should happen to command it. The right hon. secretary said, that discipline must be kept up in an army: this was a thing which every body knew; but other armies kept up their discipline without having recourse to the punishment of the lash. The enemy with whom we were contending, had also disciplined armies, although there were no such disgraceful punishments in his armies. He would not believe that there was any thing in the character of English soldiers which required a much greater severity of treatment than any other army, perhaps with the exception of the Russian army.

Lord *Castlereagh* was surprised at the hon. baronet having conceived that this was a proper period to bring forward such a motion. He hardly knew how to argue against the hon. baronet, as their views upon almost every subject were so totally different, that there was scarcely a point of coincidence. He wondered, however, that if the hon. baronet felt the subject of so great importance, he should have slept over it until the session was just upon the close. If the returns could be made, and it appeared that punishments were frequent, that would not support the argument of the hon. baronet, as it would be a greater proof of the existence of offence than of the impropriety of the punishment. The motion of the hon. baronet, connected with the observations he had formerly made, did look like a settled and systematic intention to bring the military code of the country into disrepute. In the French code, to which he appeared to give so great a preference, the officers could, without any trial, inflict the punishment of death, upon any soldier whom he should conceive to have committed an offence that deserved it. When they had such a power, corporal punishment might not be so necessary. If corporal punishment existed in our army, it was because by the English code no man's life or person could be touched or shaken without the decision of a competent tribunal. The hon. baronet had, however, found an opportunity to insinuate that punishments in the army depended on the caprice, folly, or passion of commanding officers, and to mention the name of an illustrious commander. He must have known, however, that no man could be punished in the army, but by the sentence of a court-martial, the members of which were upon their oaths. The house might therefore judge with what degree of liberality and candour it was that he drew his views, from what he had stated to have taken place in one particular regiment. He must also observe, that the regiments of cavalry were much fuller now than at the time the hon. baronet alluded to, and that on that account the punishments might be supposed to be more numerous. He anticipated the feelings of the house, and the disapprobation they would express to the motion. He conceived the statement was a most injurious misrepresentation of our military code. No soldiers excelled the English soldiers in their attachment to their king, and their fidelity to their country, or who testified it more, when their fidelity and attachment were put to the test. He was sure that the majority of that house, and the great mass of the country, would disapprove of interfering with the established discipline.

Sir *George Warrender* was of opinion, that the full rigour of the military code ought not to be applied to the local militia. But with respect to its application to the regular army he differed widely from the hon. baronet, as he did almost on every thing he brought before the house. It was not only by the previous form of a court martial that the arbitrary infliction of punishment was guarded against, but by the inspection of the visiting general officers, who were to see the regimental returns of the courts martial, of the punishments that should have taken place, and of the degree and manner in which those punishments should have been executed; of all which particulars the commander in chief required particular reports to be made to him. The general officers were also instructed to inquire of the men, as they passed the companies, whether they had any grievance to complain of. With all these checks there could be no instance of wanton or capricious punishment. The use of the cane was entirely laid aside in consequence of the denunciation of his majesty's severe displeasure. He thought it necessary to state these facts, to prevent the public mind from receiving a false impression on a matter so important.

Lord *Folkestone* supported the motion of the hon. baronet. He agreed entirely in the eulogium which was bestowed by a noble lord on the character of English soldiers; but he thought that very eulogium was an argument in favour of the motion, as it shewed that such men did not deserve to be subjected to more disgraceful or severe punishments, than were those in the other armies of the world. The noble lord, however, had advanced no reason against the motion of the hon. baronet, although he had made some comments upon his speech. If by the returns moved for, it should appear that those punishments were not very frequent, and that they were administered in a steady, even, course of justice, then the production of such a return would be the best answer that could be given to the speech of the worthy baronet. If, on the contrary, it appeared (as he believed no gentleman out of that house would deny), that the system of punishment was by no means uniform or regular, but was different in one regiment from another, and in the same regiment, when it changed its commander, he thought it was evident that that was not an equal or impartial code, and that the system ought to be reformed or modified. The object of the motion was to find out the manner in which this military code was exercised. It was well known that every regiment was subject to the same military code, and yet, if this code in some regiments, or under some officers, should be found infinitely more severe than in others, it was necessary to guard those regiments, and the army at large, from the consequences of the caprice of individual officers.

Mr. *Windham* did not conceive that such return would enable the house to form a correct judgment on the subject. It appeared to him that the principal thing which was to protect the soldier from capricious punishment, was effected in this country by making a court-martial necessary before punishment could be inflicted. He thought that by the French code, the soldier was more exposed to capricious punishment, as he had not the benefit of a trial. He hoped that the evil would be corrected in a gradual manner; and he thought that it would be best effected by countenancing those officers who kept up the discipline of their regiments without making those punishments often necessary, and by discountenancing those who only preserved the discipline of their regiments by the frequency and severity of corporal punishments. He thought the feelings of the officers, and the fashion of the service, would do more to diminish these punishments, than could safely be done by the legislature.

Earl *Temple* said, that his principal objection to the motion was, that it might at the present moment do harm, and that it could not do good. If the motion was agreed to at the close of the session, it would hold out hopes and expectations to the soldiers, which would probably be disappointed. He therefore thought it would do no good to turn the attention of the legislature to the subject; but that it might do a great deal of good, to have the attention of the different commanding officers directed to the consideration of the subject. In that point of view only it appeared to him that good could result from the agitation of this question. Perhaps the different commanding officers might, by consulting together upon the subject, find out other punishments that would be equally effectual in keeping up the discipline of those regiments, without being so obnoxious to the feelings of men in general. He did not conceive, however, that the motion of the hon. baronet had justly subjected him to any reproof, as it was notorious that the punishment of the lash was much less frequent in foreign armies than in ours.

Mr. *Lockhart* was decidedly adverse to the production of such returns. They would be only giving to the house the groans of the sufferers, without giving the evidence upon which they received their sentences. Corporal punishment was not peculiar to the army, but might be inflicted by the sentence of the judges for various offences at the common law. A soldier had, in addition to the court-martial that tried him, the advantage of an appeal to the commander in chief, who might order a general court-martial, and he had actually known a case where a soldier had obtained a new trial upon such an appeal, and was acquitted.—The house then divided: For the motion 4; Against it 77.—Majority 73.

[Hyde Park.] Mr. *Creevey* rose, in consequence of the notice he had given, for the purpose of bringing before the house the intended encroachments in Hyde Park. It would be unnecessary for him to endeavour to impress upon the house the great advantages which the population of this vast metropolis derived from having access to the three Parks: It was, therefore, a subject of considerable regret to him, to find there was a plan in contemplation for devoting a great part of Hyde Park to private edifices. It was a very ungracious thing in any officer to recommend to his majesty that certain parts of it should be granted out for such purposes. He would not deny that the king had the right of doing so; but when it was considered that within these few years the public had paid no less than 71,000*l.* for the improvement of the Parks, he could not help thinking that they had a pretty good claim to the use of them at least. It was said that the proposed plan would extend only to eight houses, but if the buildings were once begun, he was convinced the system would go on. These eight houses would not be the last. When on a former evening he made use of the word 'favouritism,' he did not mean to imply that any political favouritism was shewn by the Crown Surveyor; but he certainly did mean to say, that an improper preference was likely to be given by that person, and that some individuals nearly connected with him were to obtain that preference. It was no excuse to say, that persons whose political opinions did not accord with those of that gentleman, were also to obtain grants of the same kind. The object of his motion was the production of the correspondence between Mr. Fordyce and the lords of the Treasury, for the purpose of procuring their consent to the leases which he was about to execute. Should the correspondence be granted to him, it was his intention to follow it up by an address to his majesty, praying that he would be graciously pleased to leave Hyde Park in its present state.

Mr. *Hanbury Tracey* seconded the motion. He censured the plan of curtailing Hyde Park; but if the measure was persevered in, he wished the chancellor of the exchequer would include him among those to whom lots were to be given.

The *Chancellor of the Exchequer* observed, that no ground had been laid for the motion, and that it would ill become the house to interpose between his majesty and the exercise of one of his undoubted rights. It was to be presumed that on this occasion he would act with the same beneficence and conscientious regard to the interests and convenience of his subjects that had marked the whole of his reign. There was no reason to suppose his majesty would make any improper grants. The plan, in fact, had not yet been submitted to him. It was only a few days ago that it was laid before the Treasury. With what propriety, therefore, in this stage of the business, could the hon. member call upon the house to interfere? There was no intention to convert the Park into a town, and for any purposes of sordid gain to turn that which was now used for recreation into streets. Such a project would meet, and deservedly, with general reprobation. But he could not see upon what grounds that house could call upon his majesty to refrain from the moderate exercise of an undoubted right. As to favouritism, he would assure the hon. gent. it was not intended to give an undue preference to any person. The grants were to be the subject of fair and open competition; and they who might succeed in obtaining them, would find, that they occupied the most expensive houses, by far, in the metropolis. As he had before observed, no case had been made out, and he must, therefore, oppose the motion.

Mr. *Windham* contended, that this was a subject, of all others, fit for the interposition of the house, and that this was precisely the moment when it should interpose. The plan, it appeared, was almost completely arranged, and if the house did not address his majesty now, they would have no other opportunity of doing so. By the time they next met, the houses probably would be half built, or, at least, so far advanced as to render it impossible to discontinue the plan. Against the plan he must enter his protest. He was not quite sure that his majesty possessed the right of disposing of the park in the way proposed. It would be a satisfaction to him to know how the crown and the public stood in that respect, and whether it had not given up the right which it was now intended to assert, in consequence of the payment from the Consolidated Fund. It was idle to suppose the plan would not go on if it were once begun, and that it would be limited to eight houses. These houses would go on, co-operating with other houses, until it would be no longer a park. Indeed, it could scarcely be called so at present, for it was almost invested with houses. On one side there was Knightsbridge, grown into a considerable town; on another, Kensington. There was also a great town starting up on the northern side. Now, if in addition to these a number of houses should be erected, the power of vegetation would be completely destroyed. The park would no longer be that scene of health and recreation it formerly was. It was a saying of lord Chatham, that the parks were the lungs of London. He could devise no means more effectual for the destruction of these lungs than the proposed plan. The great increase of the metropolis might be attributed to the desire which every man felt to get as it were into the country; to go a little further towards it than his neighbour.

He had heard of parks being decorated with grottos and temples, but here was a plan to decorate a park with houses; as if a citizen, who should leave Whitechapel on a Sunday evening to get a little fresh air, would feel much gratified when he arrived at Hyde-park to see nothing but houses. He would most probably think that he had seen enough of these in the course of his walk. Hyde park would not admit of being contracted, and he trusted that this plan of decorating it, by setting a few London houses in the midst of it, would be abandoned. He was glad of an opportunity of marking out these consequences. There were but few marks of royal splendour in the metropolis. Though he did not think so lowly of St. James's as others, yet still he must say, that if it did not look like a palace, it did not look like any thing else: certainly, not like a private house. That and the parks were the only signs that London was ever used as a royal residence. He protested therefore, against any project intended to convert these into a source of emolument. The inconvenience that would result from it would infinitely outweigh any advantage that would be derived from it. He was glad that this discussion had taken place. It would not be without its use, if it should prevent the execution of a plan which, to speak of its consequences in the mildest way, must at least produce very considerable dissatisfaction.

Mr. *Sheridan* said, that agreeing as he did in every word which fell from his right hon. friend, he would only trouble the house with a few words. It was well known that he was extremely anxious to promote the improvement of the metropolis, and particularly of the city of Westminster; but in all the plans which he had supported and recommended in that view, it was a principle with him not to crib one inch from any of the parks. He could not conceive upon what grounds it was, that the surveyor of the crown lands supposed his majesty would give his concurrence to so ridiculous and unjust a plan, as that in contemplation. The park was already sufficiently encroached upon. Hamilton-place was both an encroachment and a nuisance. He had been to visit it that morning, and such a gibbet-like erection he never saw. It was all angles and projections. There was also that heavy lump, Bathurst House, which he could compare to nothing but a tub of brick. The plan, he understood, was to erect a number of houses parallel with Park-lane, but to build only opposite mean and low houses. But was not the mean house as dear to the proprietor, as the splendid mansions of lords Grosvenor and Petre were to those noblemen? Did he not, in fact, pay an additional price for the view as well as his wealthier neighbour, and why was he to be deprived of it? If this plan were carried into effect, the proprietors of these new houses would naturally throw their best rooms towards the park, and put their stables and other nuisances towards Park-lane. It would be a less objectionable plan to build on both sides of Rotten-row, that gentlemen might take their morning rides there, and have the advantage of being gazed at by the ladies in the balconies. If the right hon. gentleman would have the candour to assure the house that nothing further would be done in this business until the next session, he would recommend his hon. friend to withdraw his motion. Before he sat down, he would embrace the opportunity of apprising the house, that in the course of the next session it was his intention to bring forward the motion respecting the improvement of the metropolis, of which he had given notice two years ago, but which he afterwards dropped in consequence of some objections on the score of economy from the administration with which he was then connected.

Mr. *Creevey* professed his willingness to withdraw his motion upon the assurance suggested by his right hon. friend.

The *Chancellor of the Exchequer* said, that consistently with his duty, and the view he took of the subject, he would give no such assurance.

Mr. *Huskisson* said, that so far from the plan being completely arranged, he had only heard of it about a week ago.

A division then took place: Ayes 23; Noes 36.—Majority against the motion 13.

HOUSE OF LORDS.

Friday, July 1.

[ORDERS IN COUNCIL.] Lord *Holland* wished to be informed whether any engagement had yet been entered into with Sweden, to give effect on their part to the Orders in Council. A noble friend of his (lord Grenville) had formerly given notice of a motion to address his majesty to revoke those Orders, but had been induced to withdraw it in consequence of the negociations that were pending. Although no motion to that effect had, on that account, since been made, he still retained his former opinion with respect to the impolicy and injustice of those Orders. As the case at present stood, the execution of them rested with his majesty's ministers, in whom he could have very little confidence. They had the power of suspending their execution in certain cases, by means of granting licences; and he was anxious to know what policy in this respect it was intended to adopt towards Spain. He did not wish to extort from ministers any answer that it might be improper to give; but he trusted that the narrow policy of selling licences would not be adopted upon the present occasion, but that a broad and liberal policy would mark the conduct of his majesty's ministers with respect to the Spanish nation; and in this view, it might be expedient to revoke the Orders in Council, so far as regarded the ports of that country. He could not help again adverting to the expediency of issuing a Declaration, stating in an open and manly manner our views with respect to Spain, and our determination to assist them, without intermixing any selfish objects in the recovery of their independence. He had heard that the Spanish prisoners had been released, and he applauded it as a wise and liberal act. He thought, however, that it ought to have been accompanied by a declaration of our motives for doing so, which would have had a much better effect in Spain than the mere act itself, or than what the released prisoners could be enabled to state on their return to Spain. He could not agree in the policy of waiting until a regular government was established in Spain; that must rather be the result of the present struggle for their independence, than precede it. In the case of the revolution in England, at the time of the landing of the prince of Orange, James II. having abdicated the throne, there was no regular government left; the establishment of a new government was the result of the discussions which then took place. Upon this subject he felt, in common with every man in the country, the greatest anxiety as to the result; and a great anxiety also to know, as far as it could with propriety be known, what line of policy ministers would adopt.

Lord *Hawkesbury* said, with respect to Sweden, that the most satisfactory assurances had been received from the court of Stockholm, of the disposition of that court to give every effect to that system which had been adopted in our Orders in Council. He would not now argue the question respecting these Orders, as it had been argued over and over again; but he would merely state, that his opinion with respect to the policy and expediency of that measure, remained the same as he had repeatedly expressed in that house. The noble lord seemed to misapprehend the policy of the system adopted under the Orders; inasmuch as it was merely intended to extend it to powers at war with his majesty, and to countries occupied by their arms. With respect to Spain, the prisoners, as stated by the noble lord, had been released, and upon that subject he could assure the noble lord, that it was the wish of his majesty's ministers to give every assistance to the Spanish nation that was consistent with the utmost generosity and liberality, without intermixing any partial feelings or selfish objects; every assistance that could tend to insure to them success in the glorious struggle in which they were now engaged. It was the sentiment of every man in the country, whatever might be his opinions upon other subjects, that every possible assistance should be given to the Spaniards in the contest in which they were now engaged, and his majesty's ministers were disposed to render that assistance in the spirit of generosity and liberality, and with a hope that it might lead to that ultimate success which it was the wish of every man in the country should be the result. The present situation of Spain derived additional interest from that congeniality of sentiment which had for centuries existed between Spain and this country, and of which additional proofs had been derived from the recent communication with the Spanish nation. Their wars had no reference to any difference of sentiment, the congeniality which had so long existed still remained, and excited a strong additional interest in the event of the struggle.

The Earl of *Lauderdale* adverted to a former statement of the noble secretary of state, with respect to the disposition of the court of Stockholm to give effect to the system adopted in the Orders in Council, and observed, that it might have been expected by this time that some engagement would have been entered into, or that some treaty would have been signed, which might have been laid on the table of the house, and which would have been a better proof of the dispositions of that court.

With respect to the effect of those Orders, he complained that the returns which had been some time since moved for, of the exports and imports at different ports, had not yet been laid before the house, so that they were unable to judge of the effect of those Orders upon the trade of the country; but from those papers not being laid upon the table, they had at least a right to suspect, that they were not favourable to the conclusion which ministers wished to draw from the operation of those Orders.

Lord *Holland* observed, that the noble secretary of state appeared to have misconceived a part of what he had said with respect to the operation of the Orders in Council on our intercourse with Spain. Spain, in her present anomalous state, was not, it was true, an enemy; but still she could not be considered as a neutral, and thus, under the operations of the Orders in Council, her ports would be blockaded with respect to the rest of the world. What he was therefore anxious to learn from ministers was, whether they intended to deal, upon this occasion, in the sale of licences, which he considered a narrow and unwise policy; and whether they intended to revoke those Orders as far as they regarded the ports of Spain.

The Earl of *Lauderdale* adverted to the document upon the table, containing a statement of the exports and imports at the port of London for the quarter ending the 5th of April 1808, to shew the decrease, compared with the corresponding quarters of 1807; the exports of British manufactures in the latter being 5,100,000*l.* and in the former 4,900,000*l.*; and the imports, and also the exports, of foreign produce, decreasing in proportion, to prove thereby the injurious effects of the Orders in Council.

Lord *Hawkesbury* observed, that the amount of the exports and imports was no criterion in itself; the question was, were they greater or less than they would have been if the measure of the Orders in Council had not been resorted to? With respect to what had been said by the noble lord (Holland), he now clearly understood the object of that noble lord to be to ascertain, whether it was the intention of ministers to revoke the Orders in Council so far as regarded the ports of Spain? He could only state, that if the noble lord would suspend his curiosity for a few days, he would find that ministers had not omitted the consideration of this part of the subject, and he had no hesitation in saying, that in this respect, as well as in others, it was their wish to act with the utmost generosity and liberality towards the Spanish nation.

The Earl of *Darnley* expressed a hope that the narrow policy of taking possession of a few ships, would not be the only stimulus to induce ministers to afford assistance to Spain. He considered the cause of the Spaniards entitled to all the aid and protection this country could afford.

Lord *Holland* expressed himself satisfied with the explanation given by the noble secretary of state.

HOUSE OF COMMONS.

Saturday, July 2.

[SUGAR DISTILLATION.] The Sugar Distillery bill was brought from the lords, with an amendment, to which their lordships desired the concurrence of the commons.

Mr. *R. Dundas* moved, that the house do agree to the lords amendment in this bill. The bill, in fact, now stood in the precise state in which it was when it left that house. An alteration had surreptitiously been made in the bill in its passage from that to the other house of parliament, by substituting the words Great Britain for the word England, and the amendment of the lords only brought back the bill to that state in which it was when last before them.—The amendment was accordingly agreed to.

[CHAIRMAN OF WAYS AND MEANS.] The Chancellor of the Exchequer having moved the usual grants to the officers of the house, &c. and among others the sum of 1200*l.* to Mr. Wharton for his trouble in acting as chairman of the public committees of that house,

Mr. *Biddulph* took occasion to repeat the objections he had more than once urged to this grant, which was equal to the allowance made to the commissioners of customs and excise. The duty to be performed by these gentlemen was constant, whereas the labour of the chairman of the committees of ways and means ceased with the session of parliament; which it was also his duty to attend, independantly of any emolument. If, therefore, 1200*l.* a year was a sufficient remuneration for a commissioner of customs or excise, he was of opinion it was greatly too much to be paid for the discharge of the duties of chairman of the committees of supply and of ways and means.—The different votes were then put and agreed to.

[BOARD OF AGRICULTURE.] Sir *John Sinclair* stated, that the Board of Agriculture had been engaged for some time in collecting Reports of all the different parts of the country, which were to be made the ground work of one general report, exhibiting a complete detail of the internal state of agriculture of the kingdom. This, it must be admitted, was a very important object, and one of great public utility. To complete this object, only 1500*l.* would be required, a sum, which, as it was not to be annual, but was merely an accidental expence, he was convinced the house would not think of any moment, when compared with the advantages to be expected from the report. He therefore moved, "That an humble address be presented to his majesty, praying that he would be graciously pleased to order, that the sum of 1500*l.* be paid to the Board of Agriculture, to enable them to complete the Reports, which they are now engaged in collecting from the different parts of the country, for the purpose of framing a general report of the state of agriculture throughout the kingdom."—His majesty's consent being signified to this application, the address was agreed to.

[PRISONS IN IRELAND.] Mr. *Sheridan* said he should have felt it to be his duty to address the house at considerable length on this subject, did he not understand that the inquiry which it was his intention to propose, would not meet with any opposition. He should, therefore, abstain from any of those details which if entered into, could not fail to disgust the feelings of the house, and might provoke irritation among those who were more immediately the objects of suffering. He was satisfied that an inquiry into the evils complained of would do ministers credit, and he would rather have seen them enter into it voluntarily, than urged on to the investigation. In bringing forward the present question, he declared that he was actuated solely by that feeling which he hoped hitherto had characterized, and should continue to characterize, his parliamentary conduct; a consciousness of the propriety, if not of the necessity, of what he proposed, and an ardent desire to discharge his duty to the public. The right hon. gent. then proceeded to quote the reports of the inspector-general of prisons in Ireland. He remarked that many of the evils which now existed had been enumerated in the report of 1805, but that no notice had ever been taken of them in that house, although it appeared from that report, that, out of 1500 or 1600 persons imprisoned during 1803, not one in 500 of the committals had been made upon oath, and that fifteen-sixteenths of them had been discharged without trial, or any evidence even of a suspicion of their guilt being produced. From the report of the inspector for the year 1807, numberless heavy grievances appeared to exist. In some instances, the jails were insecure; in some, the jailors were represented as inhuman fellows; in Cork county and city, the scite of the prison was swampy, and calculated to produce fevers and agues, and jobbing and avarice had no bounds. Throughout the whole, the low salaries of the jailors were pleaded as the excuse for corruption, extortion, and negligence. As to food, in some instances the loaf was scandalously small, to many prisoners not three-fourths of a pound of bread was given a day. He particularly alluded to the state of Kilmainham jail, and to the conduct of Dr. Trevor, superintendant of it. He had abstained from bringing forward this business till he was in possession of evidence under the hands of the parties concerned, as to the conduct of this person, who was represented in the narratives of messrs. Tandy and Mason as of the most inhuman, hardened, and malignant disposition. The right hon. gent. proceeded to read several very serious charges against this person, and concluded with moving, "That an humble Address be presented to his majesty, that he will be graciously pleased to direct that a Special Commission should be appointed to enquire into and inspect the condition and government of the state prisons and other gaols in the city and county of Dublin, and such other gaols in Ireland as they shall judge it proper to direct their attention to, and to investigate the treatment of the prisoners therein confined since the year 1798, where ground of complaint shall be preferred, and also to examine into the conduct of those entrusted with the rule and government of the said prisons; and to report thereon."

General Mathew seconded the motion.

The *Chancellor of the Exchequer* regretted that the motion was deferred until a period when those members could not be present who were the best informed upon the subject. Although he should not oppose the motion, he trusted he should not be supposed to acquiesce in the right hon. gent.'s statements. He adverted to the inquiry that had been made during lord Hardwicke's administration, which was among the printed papers laid before that house in 1805, and on which it had not been thought necessary by the house to take any steps. He regretted that the right hon. gent. should have made such an *ex parte* statement against individuals, who would have no means of exculpating themselves until the next session of parliament.

Mr. *W. Pole* wished that the right hon. gent. had brought forward his motion when the Irish members were present, convinced as he was (from his own local knowledge) that those members would have declared the futility of the statements that had been made. He examined some of the reports, and detected several misrepresentations that existed in them. He supported the motion, because it could do no harm, and might do much good.

Mr. *Beresford* defended the character of Dr. Trevor, who was generally esteemed as a man of great humanity and kindness. He had heard the unfortunate Emmett acknowledge this at the scaffold in the warmest terms.

Mr. *Whitbread* thought the public highly indebted to his right hon. friend for the institution of an inquiry, from which, in his opinion, a great deal of good would probably result.

Colonel *Vereker* defended the magistrates of the county of Galway, from any share in the imputation attempted to be thrown on the whole country.

Mr. *Peter Moore* would only make an observation or two on what had been said on the other side, and particularly by the right hon. the chancellor of the exchequer, with respect to an investigation having been made into these alleged grievances, by the authority of lord Hardwicke as lord lieutenant of Ireland, the report of which he stated to have been laid before this house and printed in 1805. Mr. Moore said, that being intent on obtaining all possible information, he regularly watched all the documents laid before this house for that purpose; and that having given the subject of these alleged grievances his earnest attention, it was almost impossible that such an important document as the report in question could have escaped him, had it ever been before the house; as from the description given by the right hon. gent., it went to preclude all further inquiry into the claims of justice, so forcibly stated in the various petitions before the house, and that under this impression he was very much surprised when his right hon. friend (Mr. Sheridan) informed him a few days ago, that in a conversation with the right hon. the chancellor of the exchequer, he was told, that such a report had been made and printed, laying all these grievances at rest; but, in order to remove the doubt which it naturally threw on his own opinion, as coming from such authority, he instantly went to the vote office, where, with all the care and diligence with which it is conducted, the officers assisted him in several searches of their books, and at length they found an entry that pointed to something like a report in 1805, as mentioned by the right hon. gent. opposite. That report, Mr. Moore said, he held in his hand, and the right hon. gent. would see, on inspection, that it was a report stating only the names and number of prisoners, without the least mark of investigation, or appearance of proceeding thereon; and from the minute examinations which had been made in the vote office, Mr. Moore said, he was perfectly satisfied there was no other report. But, continued Mr. Moore, if there ever has been an investigation into these alleged abuses, it must have been very snugly and closely managed, as it must be manifest to the house, that the aggrieved petitioners (without whom such an investigation was a farce), who ought especially to have had notice of it and to have been present, had never heard of it, and were still petitioning this house, imploring such a hearing and such an investigation as that which is said to have taken place and been decided on. But he now hoped, that if such a report did exist, whatever it might be, that report, together with all the petitions which had been presented, and all the documents which had been laid before the house, would be referred to the commissioners to be appointed for making another investigation, who should be instructed to feel and consider the honour and character of our government to be its first and principal, and the justice due to individuals only as its secondary object. And he hoped and trusted, that in this spirit and understanding, the motion of his right hon. friend would meet with the unanimous support of the house.—The motion was then agreed to.

[Dismissal of the late Mr. Dalrymple.] Mr. *R. Ward* again alluded to the discussion which had taken place on a former night as to the causes of the dismissal of Mr. Dalrymple from the office of hydrographer to the Admiralty, and stated that he understood an hon. gent. opposite to him was now satisfied on this head.

Mr. *Horner* said, he had taken some part in the conversation on this subject on a former night. He had since been shewn the correspondence on the subject, and he was satisfied that Mr. Dalrymple had exhibited a degree of contumacy which was probably inconsistent with the performance of his duties to the admiralty. He was of opinion, however, that if the board had exhibited to that respectable gentleman the greatest possible degree of liberality and indulgence, it was nothing but what his long and meritorous services justly entitled him to.

Mr. *W. Pole* said, that considering the manner in which he had formerly been alluded to, when a noble lord, not then present, had brought the subject of the removal of Mr. Dalrymple before the house, and the peculiar situation in which he stood respecting that transaction, he trusted he might be permitted to give some explanation of what had passed. He said he owed it to the public, to the admiralty, and to himself, to state the circumstances which had led to Mr. Dalrymple's removal: it would give him extreme pain to be under the necessity of bringing any thing before the house or the public that could in any degree tend to create uneasiness to the friends of Mr. Dalrymple, or could at all affect the memory of that respectable gentleman. Mr. Pole said, he understood the hon. gent. to have expressed himself to be satisfied, that under the circumstances of the case, as he found them in the papers which had been prepared, and had been shewn to the hon. gent. by his hon. friend (Mr. Ward), the board of admiralty could not do otherwise than dismiss Mr. Dalrymple. He understood the hon. gent. to say, that the duty the admiralty owed to the public, certainly justified them completely in the step they had taken. He seemed to admit that they had treated Mr. Dalrymple with justice. But Mr. Pole said, he owned it astonished him to hear the hon. gent. insinuate, that more lenity might have been shewn, and that he should have been better pleased if more indulgence and liberality had been shewn him.

Mr. *Horner* rose and said the hon. gent. had quite misunderstood him, he had meant no such insinuation, what he had said was in quite another view.

Mr. *W. Pole* resumed: he said he was extremely glad to find that he had misunderstood the hon. gent. He certainly thought he had meant such an insinuation. He then begged permission of the house to state the circumstances which led to Mr. Dalrymple's removal; that about the month of Nov. last, the first lord of the admiralty, upon ascertaining that his majesty's fleets were not supplied with charts upon any regular and settled principle, and considering that great inconvenience had arisen from the king's ships in many parts of the world being unfurnished with proper charts for their guidance, determined to lay down a system by which in future all his majesty's ships in every part of the world should be supplied with the best charts existing for the station to which they might belong; and in order to effect this most desirable and important object, the first lord of the admiralty had called upon the board to issue their orders to the hydrographer to prepare a proper selection. Mr. Dalrymple, in return to this order, had stated that he was incompetent to make the selection, from not having a local knowledge of many seas, and for a variety of other reasons; and he recommended that in order to carry the first lord's plan into execution, a committee of ten officers should be appointed to select and arrange the charts proper to be issued to the navy. From the moment however that this committee, as recommended by Mr. Dalrymple, was appointed, it became impossible for them to proceed in the performance of their duty. It had fallen to his lot, as it was a part of his duty, to examine into the state of the hydrographer's office; it was impossible to describe the confusion in which he found it; from Mr. Dalrymple's infirmities, it could not be otherwise. He wished at all times, as he always had done, to speak of that venerable and respectable gentleman, with every possible degree of tenderness and attention, with all the consideration due to his talents, to his great acquirements and his eminent services. But it was impossible not to admit, that the state of his office was such, as to prevent all chance of proceeding with the arrangements necessary for the good of the service under his management. The house would perceive the truth of this remark, when he informed them, that Mr. Dalrymple's habits were such, that he seldom or never came to his office before three o'clock, and that the office of the hydrographer closed at four. A variety of unpleasant circumstances occurred, upon which Mr. Pole said, he would not dwell; several discussions took place at the board of admiralty on the subject. It was found to be impossible to proceed with the plans that had been ordered, unless Mr. Dalrymple retired from his office; and the board were extremely desirous that Mr. Dalrymple should be removed in the manner most grateful to his feelings, and upon the footing the most creditable and delicate towards him. It became, Mr. Pole said, his duty to communicate the sentiments of their lordships to Mr. Dalrymple. In the month of April an interview took place, and Mr. Dalrymple had printed an account of the conversation that passed at it; this account, Mr. Pole said, was certainly not correct; it was indeed almost impossible that it should be so, as it was certainly set down merely from memory, and the conversation was a very long one. He believed, however, that no person who had seen Mr. Dalrymple's report of the conversation would say that his part of it, at least, was not conducted in a spirit of conciliation, and with all the respect and delicacy due to a person of Mr. Dalrymple's character and high attainments. He had been instructed to tell Mr. Dalrymple, that their lordships proposed he should retire upon the largest pension they were authorized to give by his majesty's order in council. The conversation closed by Mr. Dalrymple's refusing to be superannuated; and from that period, said Mr. Pole, to the end of the month of May, many things occurred that rendered it at length absolutely necessary that Mr. Dalrymple's removal should take place. It became a question whether he should remain, and the public service, in a matter thought of the utmost importance to the safety of the king's ships in every part of the world, be absolutely impeded; or whether he should retire upon an allowance, deemed by his majesty in council an adequate reward for long and faithful services. The board of admiralty determined upon the latter proceeding, and he had been commanded to write to him, acquainting him with their lordships' decision. His letter on the 28th of May, Mr. Dalrymple had also printed. It would be seen, he trusted, that it was written in the same spirit of consideration for Mr. Dalrymple's feelings, which the admiralty had manifested through the whole transaction. There was one passage in the letter which required explanation: the board of admiralty had directed him to state to Mr. Dalrymple, that upon application for superannuation, their lordships would order his retirement upon a pension to the full extent allowed by the king's order in council. The admiralty had given this order, because they conceived that in granting public money to any individual, they were bound to shew the public that the individual, however meritorious, was not so circumstanced as to be enabled to retire without requiring aid, which his majesty was pleased to sanction in such cases. Mr. Dalrymple, however, disdained to make the application; but the admiralty, the day after his removal, having heard, that his circumstances were not affluent, but that he objected to make to them the usual application, had directed an order to be sent to the navy board for his superannuation, which accordingly took place. Mr. Pole concluded by trusting he had satisfied the house, that through the whole of this proceeding the utmost respect, consideration, and tenderness, had been manifested to Mr. Dalrymple, and that his removal from his office had arisen from absolute necessity.

Mr. *Horner* repeated what he had formerly stated. He imputed no blame to the admiralty board for dismissing Mr. Dalrymple: as he had already said, he should have been better pleased, if they had pursued their indulgence to the utmost degree to which it could be carried, which, in his opinion, they might have done on account of the past and meritorious services of that very eminent and respectable man.

HOUSE OF LORDS.

Monday, July 4.

[SPAIN.] The Earl of *Suffolk* rose to call the attention of the house to the critical situation in which we now stood with respect to Spain. It was generally understood that a large armament was to be sent to assist the patriotic exertions of that nation in resisting the tyranny that would oppress its liberty, and in enabling it to assert its independence. Who was to command that expedition? Its fate might, perhaps, be closely connected with the auspices and command under which it was to serve. He did not know that we had now any responsible minister. In former administrations Mr. Pitt, lord Sidmouth, and latterly lord Grenville, stood forward as the avowed responsible ministers of their day. An expedition had, not long ago, been confided to general Whitelocke, with the issue of which every man was but too sorrowfully acquainted. The individual, it was true, had been punished, but in enterprizes of that nature, it was not enough to punish the individual, some atonement should be made at the shrine of the tarnished honour of the country: that expiation was yet unpaid. No minister had as yet pleaded guilty to the charge of that appointment. These considerations led him to enquire who was the responsible minister at the present moment; for by the appointment which must soon take place of a Commander of the Expedition to Spain, not only the character and military fame of the nation, but its most vital interests might be deeply affected. He then alluded to a noble duke who seldom came to the house, and confessed that he was unable to determine whether that noble duke possessed the influence attributed to him or not.—The observations of the noble earl did not meet with any answer.

[The Lords Commissioners' Speech.] About a quarter before four the archbishop of Canterbury, the lord chancellor, the lord president of the council, the lord privy seal, and the duke of Montrose, took their seats as his majesty's commissioners. Mr. Quarme, the deputy usher of the black rod, was sent to the house of commons to desire their attendance. The Speaker, and a considerable number of members, shortly afterwards came to the bar. A commission for giving the royal assent to certain bills was read by the clerk, by virtue of which the royal assent was given to several bills. After which,

The *Lord Chancellor*, in his majesty's name, delivered the following Speech.

"My Lords and Gentlemen,

"We have it in command from his majesty to express to you the great satisfaction which he derives from being enabled, by putting an end to the present session of parliament, to terminate the laborious attendance which the public business has required of you.—The measure which you have adopted for the improvement of the military force of the country, promises to lay the foundation of a system of internal defence eminently useful, and peculiarly adapted to the exigences of these times.—The sanction which you have given to those measures of defensive retaliation, to which the violent attacks of the enemy, upon the commerce and resources of this kingdom, compelled his majesty to resort, has been highly satisfactory to his majesty.—His majesty doubts not that in the result the enemy will be convinced of the impolicy of persevering in a system which retorts upon himself, in so much greater proportion, those evils which he endeavours to inflict upon this country.

"Gentlemen of the House of Commons,

"We are commanded by his majesty to return his most hearty acknowledgments for the cheerfulness and liberality with which the necessary supplies for the current year have been provided.—His majesty directs us to assure you, that he participates in the satisfaction with which you must have contemplated the flourishing situation of the revenue and credit of the country, notwithstanding the continued pressure of the war; and he congratulates you upon having been enabled to provide for the exigences of the public service, with so small an addition to the public burthens.—His majesty commands us to thank you for having enabled him to make good his engagements with his allies; and to express to you the particular gratification which he has derived from the manner in which you have provided for the establishment of his sister, her royal highness the duchess of Brunswick.

"My Lords and Gentlemen,

"His majesty has great satisfaction in informing you, that, notwithstanding the formidable confederacy united against his ally the king of Sweden, that sovereign perseveres, with unabated vigour and constancy, to maintain the honour and independence of his crown; no effort has been wanting on the part of his majesty to support him in the arduous contest in which he is engaged.—The recent transactions in Spain and Italy have exhibited new and striking proofs of the unbounded and unprincipled ambition which actuates the common enemy of every established government and independent nation in the world.—His majesty views, with the liveliest interest, the loyal and determined spirit manifested by the Spanish nation, in resisting the violence and perfidy with which their dearest rights have been assailed.—Thus nobly struggling against the tyranny and usurpation of France, the Spanish nation can no longer be considered as the enemy of Great Britain; but is recognised by his majesty as a natural friend and ally.—We are commanded to inform you that communications have been made to his majesty from several of the provinces of Spain, soliciting the aid of his majesty. The answer of his majesty to these communications has been received in Spain, with every demonstration of those sentiments of confidence and affection which are congenial to the feelings and true interests of both nations. And his majesty commands us to assure you that he will continue to make every exertion in his power for the support of the Spanish cause; guided in the choice and in the direction of his exertions by the wishes of those in whose behalf they are employed.—In contributing to the success of this just and glorious cause, his majesty has no other object than that of preserving unimpaired the integrity and independence of the Spanish monarchy. But he trusts that the same efforts which are directed to that great object, may, under the blessing of Divine Providence, lead in their effects, and by their example, to the restoration of the liberties and the peace of Europe."

A commission being read for proroguing the parliament, the Lord Chancellor, in his majesty's name, and by virtue of the said commission, declared the parliament to be prorogued to the 20th of August next, to be then and there holden.

HOUSE OF COMMONS.

Monday, July 4.

[SPAIN.] Mr. *Whitbread* began by observing, that he had with considerable anxiety waited till the last moment before the present session terminated, in the hope that his majesty's ministers would see the propriety of adopting some mode whereby the sense of that house could be obtained on a subject of such universal interest as that of the present transactions in Spain. He thought that nothing was more to be desired than a distinct expression of the sentiment of that house upon a subject of such importance, and he could not help expressing his surprise that no communication had been made to the house by his majesty's ministers, as it was upon such a communication that the declaration and the sentiments of that house could best be founded. When this subject was submitted to their consideration on a recent occasion by his right hon. friend (Mr. Sheridan), he had felt it to be his duty frankly to state his objections to the impropriety and inexpediency of then agitating it, as he was apprehensive that the discussion at that time might have prematurely committed the whole Spanish nation with France; since that period, however, the case was materially altered; the Spanish nation was now committed with France; never were a people engaged in a more arduous and honourable struggle, and he earnestly prayed God to crown their efforts with a success as final as those efforts were glorious! He could not help thinking, that under such circumstances, it would have been well to have given an opportunity of manifesting to the brave Spaniards the sympathy that glowed in every British heart in favour of their cause, through the proper channel, the legitimate organ of the British people. He thought there had been reason to have expected that a message from the king would have been ere now brought down for a vote of credit, to enable the government more effectually to second the wishes of all ranks of Englishmen, by aiding and assisting the Spaniards. He had no doubt that had such a message been sent down, it would have been met with the unanimous concurrence of that house, and he was equally certain that that concurrence would have been echoed throughout the country. He would, however, abstain from saying more upon this subject, or going the length his feelings on such a subject would naturally lead him, as he might be liable to misrepresentation; but he would repeat, that from the bottom of his soul he wished success to the patriotic efforts of the Spaniards, and that their present glorious struggle might be crowned with the recovery of their liberty as a people, and the assertion of their independence as a nation; and in thus expressing his own, he felt assured he spoke the wishes of that house and the country.

Lord *Castlereagh* said, that upon a recent occasion, when the present subject was brought before the consideration of the house, he had felt it his painful duty to express his disapprobation of the tone and manner in which the hon. gent. had thought fit to comment on certain circumstances, the recapitulation of which could not have been attended with any good consequences; it now, however, gave him considerable pleasure, that the grateful task had devolved to him of expressing his complete coincidence in the feelings manifested by the hon. gent. as to the issue of the great and glorious struggle in which the Spanish people were at present engaged. He differed, however, from the hon. gent. as to the justice of the animadversions in which he had indulged on his majesty's ministers, because they had not felt it necessary to call for an expression of the sense of parliament on the subject; for his part, he was free to confess, that in his opinion there did not exist a necessity for such a proceeding. The hon. gent. had himself in a slight degree travelled out of the ordinary course of parliamentary usage, to express his surprise that no further vote of credit had been asked for; he did not despair, however, of being able to satisfy the hon. gent. upon this head. The reason why the government had not thought it necessary, was simply, that the provision already made by parliament had been so liberal, that the government were not without the means of giving to the cause of freedom and independance, by assisting the Spaniards, that aid which the public voice, and the wishes of every friend to liberty throughout the world, demanded should be promptly and unconditionally offered. He could assure the hon. gent. and the house, that no means would be left untried, that no exertion would be wanting on their parts, to make all the resources which they had it in their power to apply, subservient to the great object, as much wished for by them as by his majesty, by the parliament, and by the country. It was not for him at present to anticipate the opinion of that house upon the manner in which his majesty's ministers should acquit themselves of the great and solemn obligations, in which they might be said to stand bound to their country and to Europe; how far ministers upon this great occasion had done, what they could do and ought to do, parliament upon a future occasion would have an opportunity of deliberately judging and determining.

Mr. *Whitbread* observed, in explanation, that the turn which the noble lord had been pleased to give to what he had said on a late occasion, when the same subject on a former evening was brought before the house, must be imputed solely to a feeling of political animosity. On that occasion, he had disapproved of the motion brought forward by his right hon. friend. In that feeling of disapprobation he had it in his power to plead the authority of the chancellor of the exchequer, though neither of the principal secretaries of state in that house had thought the agitation of the subject at that time would have been attended with any improper consequences.

Lord *Castlereagh*, in explanation, denied that he had put any unfounded construction upon the sentiments of the hon. gent. as expressed on this subject upon a former evening. In any observations that might have fallen from him, he was far from being influenced by any motive of political animosity.

Mr. *Wilberforce* confessed that the sentiments he felt on this great subject were very similar to those of the hon. gent. opposite. He could not avoid expressing his concern that no communication had been made to parliament, in order that a proper opportunity might have been afforded of giving a sort of authoritative publicity to the unanimous feeling of the nation, that all that England could do for Spain and her cause, should be done with equal zeal, promptitude, and disinterestedness; and to shew to Spain, and to the world, our generous sympathy in her sufferings, our anxious interest in her struggles, and our hearty and undivided wishes for her complete success. And he was at the same time particularly anxious that Spain should be satisfied, that whatever means we should resort to, to second her efforts, were not the result of any narrow self-consulting policy, any cold and interested speculation, but that they were the spontaneous effusions of British sympathy in the cause of that freedom and independence Britons valued beyond their lives; the cause of Spain was the cause of all those who, from enjoying, knew how to value liberty. But he was particularly anxious that the Spaniards should not be furnished with the slightest pretence to believe, that because of the state of hostility which had but recently terminated between the two countries, there still lurked in the breasts of Englishmen any hostile disposition towards that country; and above all, it was desirable that the Spaniards should have good reason to confide in our assistance, and not distrust the manner of it, or question the motives that occasioned it; every possible means should be resorted to, to convince them that, at such a crisis, we were not base enough to avail ourselves of their difficulty and danger, in order ultimately to render their noble efforts subservient to our own interests; and he could not but confess, that he thought an unanimous vote of that house to that effect would have materially contributed to the confirmation of such a disavowal on our part. But there was some consolation in reflecting that, though this vote had not been called for, the feeling in favour of Spain was so unanimous, zealous, and decisive, that it was next to an impossibility that it could be mistaken; it was so notorious, that every Briton joined in enthusiastic prayers to the great Ruler of events, to bless with its merited success the struggle of a gallant people in behalf of every thing dear to the christian, the citizen, and the man; and, indeed, the notoriety itself had been so extensive, as perhaps to supersede the necessity of any formal annunciation on the part of that house upon a subject concerning which the population of the empire entertained but one sentiment, great and generous as the glorious cause that gave it birth.

The deputy usher of the black rod then summoned the house to the house of peers. The Speaker and all the members present attended forthwith. On their return, the Speaker read a copy of the Speech delivered by the Lords Commissioners; after which, the members separated. — Thus ended the Second Session of the Fourth Parliament of the United Kingdom of Great Britain and Ireland.

[A List of the Public Acts passed during the Session, will be found at p. lxvii. of the Appendix.]

APPENDIX.

APPENDIX

TO THE

PARLIAMENTARY DEBATES.

VOL. XI.

FINANCE ACCOUNTS OF GREAT BRITAIN,

FOR THE YEAR ENDED FIFTH OF JANUARY, 1808.

CLASS
I. PUBLIC INCOME.
II. CONSOLIDATED FUND.
III. ARREARS AND BALANCES.
IV. TRADE AND NAVIGATION.

CLASS
V. PUBLIC EXPENDITURE.
VI. PUBLIC FUNDED DEBT.
VII. UNFUNDED DEBT.
VIII. DISPOSITION OF GRANTS.

I.—PUBLIC INCOME.

HEADS OF REVENURE.	Gross Revenue.			Net Produce.			Payments into Exchequer.		
ORDINARY REVENUES.									
Permanent and Annual Taxes.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Customs	9,573,060	6	3	7,462,380	4	10¾	6,476,942	6	4
Excise	19,621,076	15	9	17,896,145	14	2	17,575,683	0	0
Stamps	4,543,971	17	5½	4,458,738	14	0¾	4,274,555	5	9
Land and Assessed Taxes	6,909,190	12	9¾	7,073,530	10	8¾	6,384,750	14	1¼
Post Office	1,493,490	11	9	1,277,538	11	4½	1,082,000	0	0
1 *s.* in the £. on Pensions and Salaries	61,057	2	1	62,685	5	8	60,544	6	1½
6 *d.* in the £. on Pensions and Salaries	72,207	12	2¼	71,353	0	5¼	71,352	0	0
Hackney Coaches	28,751	15	0	26,455	2	5½	26,084	0	0
Hawkers and Pedlars	13,231	0	4	10,325	9	5	9,950	0	0
Total Permanent and Annual Duties	42,316,037	13	7½	38,339,152	13	2½	35,961,861	12	3¾
Small Branches of the Hereditary Revenue.							Hanaper 2,000	0	0
Alienation Fines	8,088	13	4	8,274	2	9	2,634	10	8
Post Fines	963	7	5½	5,004	0	1½	-	-	-
Seizures	2,645	16	1	2,645	16	1	2,645	16	1
Compositions	2	0	0	2	0	0	2	0	0
Proffers	550	3	7	550	3	7	550	3	7
Crown Lands	45,510	1	10	74,946	12	1	966	13	4
Extraordinary Resources.									
War Taxes. Customs	3,065,904	14	2½	2,730,792	14	6½	2,730,702	14	6½
War Taxes. Excise	6,320,553	17	11¾	6,273,570	18	10½	6,232,543	0	0
War Taxes. Property Tax	10,131,344	7	3¾	9,864,189	4	10	9,864,189	4	10
War Taxes. Arrears of Income Duty	23,697	16	9¾	23,072	19	0	23,072	19	0
War Taxes. Arrears of Taxes collected under the Aid and Contribution Act	2,966	15	9½	2,888	11	2¼	2,838	11	2¼
Lottery, Net Profit—one-third for Ireland	797,500	0	0	774,694	11	0	774,694	11	0
Monies paid on Account of the Interest of Loans raised for the Service of Ireland	1,967,677	14	0	1,967,677	14	0	1,967,677	14	0
On Account of the Commissioners, appointed by Act 35 Geo. III. for issuing Exchequer Bills for Grenada	33,800	0	0	33,800	0	0	33,800	0	0
Fees of Regulated Exchequer Offices	40,545	0	2	40,545	0	2	40,545	0	2
Interest on Stock transferred by Instalments for the Redemption of the Land Tax	5,000	0	0	5,000	0	0	5,000	0	0
Monies paid on Account of the Surplus Revenue of the Isle of Man	2,210	11	0	2,210	11	0	2,210	11	0
Imprest Money repaid by Public Accountants	33,442	7	8¼	33,442	7	8¼	33,442	7	8¼
Other monies paid to the Public	6,954	12	2	6,954	12	2	6,954	12	2
Total, independent of Loans	64,805,395	13	0¼	60,189,414	12	3½	57,688,472	1	6¾
Loans paid into the Exchequer, including £. 1,500,000 for the Service of Ireland	15,257,211	19	3	15,257,211	19	3	15,257,211	19	3
GRAND TOTAL	80,062,607	12	3¼	75,446,626	11	6	72,945,684	0	9¾

II.—CONSOLIDATED FUND.

INCOME.	£.	s.	d.
Net Produce of the Customs	3,142,441	6	1½
Excise	14,367,912	0	0
Stamps	3,055,781	9	5
Incidents	5,929,671	16	1¾
Surplus of Sugar, Malt, & Tobacco, annually granted	2,326,391	19	9½
Arrears of Annual Malt, 1805	2,866	3	10
Land Tax, Anno 1778,9,1800,1,2,3,4,5,6,7	1,065,346	1	4
Pensions, Anno 1799, 1800,1,2,3,4,5,6,7	150,375	7	6½
Income Duty, Anno 1799, 1800, 1801	23,072	19	0
Arrears of Assessed Taxes	2,888	11	2¼
Money reserved on account of Nominees appointed by the Lords of the Treasury, in Tontine Ann. 1789	24,065	4	11½
Monies paid into the Treasury by divers Persons, being sundry Balances due to the Public	85,234	15	1¾
Imprest Monies repaid by various	11,717	15	10½
Money paid by Messrs. Puget and Bainbridge, for Interest, Management, and 1 £. per Cent. on Loans raised in Great Britain, for the Service of Ireland, Anno 1797,8,9, 1800,1,2	912,514	14	8
Total Income of the Consolidated Fund, applicable towards paying the Charge existing at 5th Jan. 1803	31,120,280	5	0¼
DUTIES pro Anno 1803.			
Surplus of Duty on Receipts, 1803, per Act 43 Geo. 3. c. 126	60,053	10	3
Reserved out of Consolidated Customs, per Act 43 Geo. 3. c. 68. from July 1803, at £. 62,500 per Quarter	250,000	0	0
Money paid by Messrs. Puget and Bainbridge, for Interest, Management, and £.1 per Cent. on £.2,000,000, part of £.12,000,000, raised by 43 Geo. 3. c. 67. for the Service of Ireland	136,468	17	3
Total Income of Duties pro Anno 1803	446,522	7	6

CHARGE.	Actual Payments out of the Consolidated Fund, in the Year ended 5th January 1808. £	s.	d	Future Annual Charge upon the Consolidated Fund, as it stood on 5th January 1808. £.	s.	d.
Charge on Account of the Public Debt	24,744,158	19	10¼	24,234,405	19	2¾
CIVIL LIST.—His Majesty's Household	898,000	0	0	898,000	0	0
Ditto per 44 Geo. 3.	60,000	0	0	60,000	0	0
COURTS OF JUSTICE.—Judges of England and Wales, in Augmentation of their Salaries	13,050	0	0	13,050	0	0
Aaron Graham, Esq. Inspector of the temporary Places of Confinement of Felons, &c.	350	0	0	Uncertain.		
W. Baldwin, Esq. Receiver of the 7 Police Offices	16,139	14	11¼			
Patrick Colquhoun, Esq Ditto Thames Police Office	7,168	6	10			
John Bedford, Esq. Chief Justice of the Admiralty Court in the Island of Barbadoes	2,000	0	0	2,000	0	0
Henry Morton Dyer, Esq. . Ditto .... Bahamas	2,000	0	0	2,000	0	0
Alexander Croke, Esq. . . Ditto .... America	2,000	0	0	2,000	0	0
John Sewell, Esq. .... Ditto .... Malta	2,000	0	0	2,000	0	0
Henry John Hinchliffee, Esq. Ditto .... Jamaica	2,000	0	0	2,000	0	0
William Territt, Esq......... Ditto .... Bermudas	2,000	0	0	2,000	0	0
Sheriffs of England and Wales	4,000	0	0	4,000	0	0
Deficiencies of Judges Salaries	4,850	15	5	Uncertain.		
MINT.—Master of his Majesty's Mint in England	6,900	0	0	13,800	0	0
.... Ditto .... in Scotland	1,200	0	0	1,200	0	0
Receiver of the Fees in the Office of the Mint	3,476	2	0	Uncertain.		
Salaries and Allowances	12,455	16	0	7,950	0	0
Parliamentary Pensions	364,624	11	9¾	312,909	14	10
BOUNTIES.—For the Growth of Hemp and Flax	2,956	13	8	2,956	13	8
The Commissioners of the Northern Lighthouses, for building Bell Rock Lighthouse	15,000	0	0	Uncertain.		
For the Improvement of the Port of London	180,445	19	1			
Total Charge upon the Consolidated Fund created prior to 5th Jan. 1803, as it stood in the Year ended 5th Jan. 1808 £.	26,338,320	19	7¾	25,552,322	7	8¾
DEBT incurred in respect of £.12,000,000 raised for the Service of the Year 1803	819,338	8	1	819,338	8	1

DUTIES pro Anno 1804.			
Surplus of Consolidated Stamp Duties, per Act 44 Geo. 3. c. 98. to commence from Oct. 10, 1804	1,093,582	3	4
Interest, &c. on Loan for the Service of Ireland....	331,140	13	5
Total Income of Duties pro Anno 1804...........	1,424,722	16	9
DUTIES pro Anno 1805.			
Duty on Goods, Anno 1805	239,628	6	7½
Ditto - - Legacies..................................	65,138	2	9
Additional Duty on the Postage of Letters, imposed per Act 45 Geo. 3. c. 11.	160,149	15	10¼
Duties on Salt, Auctions, Bricks and Tiles, Coffee, Cyder and Perry, Glass, Vinegar, and Wire	689,099	0	0
Interest, &c. on Loan for the Service of Ireland....	277,741	7	0
Total Income of Duties pro Anno 1805...........	1,431,756	12	2¾
DUTIES pro Anno 1806.			
Brought from Consolidated Excise, per Act 43 G. 3. Wine, Anno 1803	275,123	0	0
Ditto, ... 1804	179,737	0	0
Tea................................	32,433	0	0
£. 10 per Cent. on Assessed Taxes................	335,968	7	9
Interest, &c. on Loan for the Service of Ireland....	155,659	7	11
Total Income of Duties pro Anno 1806.......	978,920	15	8
DUTIES pro Anno 1807.			
Brought from War Taxes, to pay Charges on Loan, per Act 47 Geo. 3. c. 55.	926,697	17	0
Interest, &c. on Loan for the Service of Ireland....	154,152	13	9
Total Income of Duties, pro Anno 1807	1,080,850	10	9
Ditto, ... at 5th Jan. 1803............	31,120,280	5	0¼
Ditto, ... pro Anno 1803...........	446,522	7	6
Ditto, ... pro Anno 1804...........	1,424,722	16	9
Ditto, ... pro Anno 1805...........	1,431,756	12	2¾
Ditto, ... pro Anno 1806...........	978,920	15	8
Total Income of Consolidated Fund in the Year ending 5th January 1808	36,483,053	7	11

DEBT incurred in respect of £. 14,500,000, raised for the Service of the Year 1804.						
Annuities on £. 11,890,000, at 3 per Cent. added to 3 per Cent. Consolidated Annuities, with Charges of Management	362,050	10	0	362,050	10	0
Ditto on £. 14,500,000, at 3 per Cent. added to 3 per Cent. Reduced Ann. with Do.	441,525	0	0	441,525	0	0
1 per Cent on the above Sums payable to the Commissioners for the Reduction of the National Debt	263,900	0	0	263,900	0	0
Annuities on £. 2,716,814. 12*s*. 1*d*. at 3 per Cent. added to 3 per Cent. Reduced Annuities, granted to the Holders of 5 per Cent. Annuities subscribed into Navy 5 per Cents.	82,727	0	1	82,727	0	1
1 per Cent. on the above Sum, payable as above	27,168	2	11	27,168	2	11
Total Charge for Debt incurred in the Year 1804 . .	1,177,370	13	0	1,177,370	13	0
Debt incurred in respect of £. 22,500,000, raised for the Service of the Year 1805	1,721,761	14	9½	1,721,761	14	9½
DEBT incurred in respect of £. 20,000,000, raised for the Service of the Year 1806	1,545,039	1	7	1,342,940	0	0
DEBT incurred in respect of £. 14,200,000, raised for the Service of the Year 1807..............	1,041,907	15	8¾	1,436,152	5	5
Total Charge for Debt, incurred prior to the Year 1803..	26,338,320	19	7¼	25,552,322	7	8¾
Ditto............Ditto.........in the Ditto 1803 . .	819,338	8	1	819,338	8	1
Ditto............Ditto............... Ditto 1804 . .	1,177,370	13	0	1,177,370	13	0
Ditto............Ditto............... Ditto 1805 . .	1,721,761	14	9½	1,721,761	14	9½
Ditto............Ditto............... Ditto 1806 . .	1,545,039	1	7	1,342,940	0	0
Total Charge upon the Consolidated Fund in the Year ending the 5th January 1808	32,643,738	12	9½	32,049,885	9	0¼

An Account of the Net Produce of all the PERMANENT TAXES *of* GREAT BRITAIN;

	In the YEARS ended					
	5th January 1807.			5th January 1808.		
	£.	s.	d.	£.	s.	d.
Customs.						
Consolidated, after reserving £.250,000 per Annum, by Act 43 Geo. III. cap. 68	4,005,965	2	0¼	3,107,365	11	10
Quarantine Duty	15,093	2	4	9,605	19	10
£. 4½ per Cent.	6,790	17	3½	5,053	15	5½
Canal and Dock Duty	35,749	3	0½	31,469	14	5½
Excise.						
Consolidated, after reserving the Duties appropriated by Acts 45 & 46 Geo. III. and carried to Duties 1805/6	13,829,170	14	3	14,367,912	0	0
Stamps.						
Reserved out of Consolidated Duties, £. 3,077,463. 18*s.* per Annum, by Act 44 Geo. III. c. 98. from Oct. 1804, after reserving the Surplus of the Duty on Receipts, Anno 1803	3,017,585	17	8	3,017,410	7	9
Compositions for Stamps, per Bank of England	32,000	0	0	32,000	0	0
Licences for selling Lottery Tickets	8,292	1	7	6,371	1	8
Incidents.						
Letter Money	924,666	13	4	924,666	13	4
Arrears of Duties repealed by Act 43 Geo. 3. c. 161.						
Houses and Windows	32,460	7	2½	24,067	8	0½
Inhabited Houses	16,720	18	2¼	12,360	18	4¾
Horses for Riding	20,702	19	0¼	21,137	5	6½
Ditto - - - Husbandry	22,279	8	4½	14,085	12	8½
Male Servants	16,134	15	5½	9,824	9	1½
Carriages	28,558	6	10¾	18,904	18	7¾
Dogs	14,097	15	9	8,510	19	9
£. 10 per Cents. Anno 1793 and Anno 1796	7	11	7¾	—	14	0
£. 20 per Cent.	50	0	0	310	4	0¾
Clocks and Watches	845	1	5	—		
Hawkers and Pedlars	11,635	0	0	9,300	0	0
Hackney Coaches and Chairs	25,857	0	0	27,564	0	0
6 *d.* per £. on Pensions	63,279	0	0	71,352	0	0
1 *s.* - Do. - - - - Salaries	54,968	12	4	60,544	6	1
Seizures	15,788	0	6	2,645	16	1
Proffers	620	19	0	550	3	7
Compositions	1	16	8	2	0	0
Rent of Alum Mines	960	0	0	960	0	0
Ditto of a Lighthouse	6	13	4	6	13	4
Alienation Duty	9,000	3	4	2,634	10	8
First Fruits of the Clergy	4,156	10	0	—		
Tenths .... of Ditto	9,834	17	10	—		
Fines and Forfeitures	681	9	8	902	1	0
Arrears of						
Female Servants, Anno 1785	35	13	2	—		
Carts	-	-	-	—	18	—
Hair Powder Certifices, 1795	12,463	16	1	4,983	4	0¼
Horse Dealers Licences, 1796	2,089	1	5	1,624	6	10
Armorial Bearings - 1798	6,314	8	7	4,499	18	9¾
By Acts 43 Geo. III. cap. 68.						
Hair Powder Certificates	43,444	8	3½	55,980	19	10½
Horse Dealers Licences	5,747	0	6	8,857	8	8
Armorial Bearings	21,753	5	2	28,291	11	9½
Reserved out of Houses and Windows, by Act 43 Geo. III. cap. 161. at £. 1,897,896 per Annum	1,903,310	9	1	1,903,054	14	9
Inhabited Houses	584,860	2	8	671,320	7	1¾
Horses for Riding	583,986	5	4½	671,285	6	8
Ditto - Husbandry, and Mules	501,667	10	2	522,322	4	10½
Male Servants	338,435	18	11¾	351,720	7	5¾
Carriages	302,349	3	2	363,826	4	4½
Dogs	112,628	5	0¾	134,290	13	11
Carried forward £.	26,643,046	5	10¼	26,509,577	12	6¾

taken for Two Years, ending respectively 5th January 1807 *and 5th January* 1808.

		In the YEARS ended					
		5th January 1807.			5th January 1808.		
		£.	s.	d.	£.	s.	d.
	Brought forward	26,643,046	5	10¼	26,509,577	12	6¾
DUTIES pro Anno 1803.							
Brought from Consolidated Customs, after reserving as directed by 43 Geo. III. cap. 68.		250,000	0	0	250,000	0	0
Surplus of Duty on Receipts, Anno 1803, after reserving as directed by Act 43 Geo. III. cap. 126.		59,878	0	4	60,053	10	3
Surplus of Duty on Houses and Windows, Anno 1804, after reserving as directed by Act 43 Geo. III. cap. 161.		—			—		
		26,952,924	6	2¼	26,819,631	2	9¾
DUTIES pro Anno 1804.							
Surplus of Consolidated Stamp Duties, after reserving as directed by Act 44 Geo. III. cap. 98		975,270	17	8	1,093,582	3	4
		27,928,195	3	10¼	27,913,213	6	1¾
DUTIES pro Anno 1805.							
Taken from Consolidated Letter Money, the estimated Amount of the Additional Duty on Postage of Letters, imposed by Act 45 Geo. III. cap. 11.		176,333	6	8	160,149	15	10¼
Goods, &c. Anno 1805		308,788	15	2¼	239,628	6	7½
Legacies		39,489	10	8	65,138	2	9
DUTIES taken out of the Consolidated Excise, by Act 45 Geo. III.	Salt	463,814	19	1	470,871	0	0
	Auctions	35,392	0	0	39,739	0	0
	Bricks and Tiles	40,464	0	0	36,700	0	0
	Coffee	31,558	0	0	32,618	0	0
	Cyder and Perry	5,544	6	8	12,328	0	0
	Glass	67,721	0	0	78,172	0	0
	Vinegar	12,749	13	4	13,395	0	0
	Wire	5,791	3	1	5,276	0	0
		29,115,841	18	6½	29,067,228	11	4½
DUTIES pro Anno 1806.							
Wine, Anno 1803		20,593	0	0	—		
Ditto, ... 1804		14,115	0	0	—		
Brought from Consolidated Excise, by Act 46 Geo. III. cap. 44.	Wine, Anno 1803	188,604	0	0	275,123	0	0
	Ditto, ... 1804	126,931	0	0	179,737	0	0
	Tea	14,779	0	0	32,433	0	0
10 per Cent. Anno 1806		6,800	0	0	335,968	7	9
		29,487,663	18	6½	29,890,489	19	1½
Surplus of Duties Annually granted, after discharging Exchequer Bills charged thereon	Sugar and Malt	916,588	4	3¾	1,024,634	19	9½
	Malt	902,971	0	0	1,038,204	0	0
	Tobacco	203,715	0	0	263,553	0	0
		31,510,938	2	10¼	32,216,881	18	11
Duties granted to discharge £. 2,000,000 Exchequer Bills	Sugar and Malt	1,560,343	17	11	1,845,707	8	3
	Malt	239,364	0	0	8,780	0	0
	Tobacco	238,386	0	0	180,447	0	0
	£.	33,549,032	0	9¼	34,251,816	7	2

III.—ARREARS AND BALANCES.

HEADS AND TOTALS OF THESE ACCOUNTS.

		£	s.	d.
Arrears due on the 5th January 1808, from the Officers of the Customs in England, &c.	Present Collectors	43,790	14	4
	Late Collectors	2,017	14	9¾
Arrears due on Ditto, from the Officers of Customs in Scotland, &c.	Present Collector	76	12	6½
	Late Collector	10,951	1	0¼
Arrears due on Ditto, from the Officers of Excise in England, &c.		(No Total made)		
Arrears due on Ditto, from the Officers of Excise in Scotland, &c.		3,797	18	5¾
Arrears due on Ditto, from the Distributors of Stamps in Great Britain, Scotland, &c.		61,476	6	7¼
Balances in the Hands of the Distributors of Stamps in Great Britain, &c.		110,090	0	3
Arrears due on the 5th of January 1808, from the Receivers General of the Land and Assessed Taxes of Great Britain, &c.		405,045	3	10
Arrears due on the 5th January, from the Officers of the Post Office in Great Britain, &c.	Irrecoverables	4,289	12	7½
	Recoverables	3,192	17	7
Balances in the Hands of the Deputy Postmasters in Great Britain, &c.		86,846	4	1½
Balances due on the 5th January 1808, from the Receivers of the Land Revenue of the Crown for England, &c.		None.		
Balances due on Ditto, from the Receivers of the Land Revenues of the Crown for Wales, &c.		None.		
Accounts delivered into the Office of the Comptrollers of Accounts of the Army, &c.		(No Total given.)		

List of Officers and Departments, whose Accounts are Audited by the Commissioners for Auditing the PUBLIC ACCOUNTS: *viz.*

- Cashier of the Bank of England.
- Commissioners for the Reduction of the National Debt.
- Sec. to the said Commissioners.
- Cashier of the South Sea Ann.
- Paymasters of Exchequer Bills.
- Inspector of Exchequer Tontine.
- Cash. of Bank, Loans, & Lotteries
- Sec. for Contingent Exp. of Do.
- Chamberlain of London, Orphans Fund.
- Treasurer of the Navy.
- Treasurer of the Ordnance.
- Treasurer of Navy Bills funded.
- Treasurer of Ordn. Bills funded.
- Inspector of Roads in N. Britain.
- Paymaster General of the Army.
- Agent to Out-Pen. Chelsea Hos.
- Barrack Master Gen. in England.
- Paymaster of Widows Pensons.
- Receiver Gen. of Customs, Cash.
- Compt. Do. of Customs, General.
- Commissioners for Licencing Hawkers and Pedlars.
- Receiver General of Revenues arising by licensing Hackney Coaches and Chairs.
- Receiver of Customs, I. of Man.
- Receiver Gen. of Stamps, Cash.
- Compt. Do. of Stamps, General.
- Receiver Gen. of the Post, Cash.
- Comptroller Gen. of Do. General.
- Receiver of the Civil List Deduc.
- Receiver of the 12 *d.* Deduction.
- Receiver of 1st Fruits of Clergy.
- Receiver of Tenths of Clergy.
- Keeper or Clerk of the Hanaper.
- Paymaster of American Pensions.
- Paymaster of Allowances to Toulonese Emigrants.
- Lord Chamberlain of Household.
- Master of the Robes.
- Master of the Horse.
- Master of the Mint.
- Warden of the Mint.
- Solicitor to the Treasury.
- Comptroller and Cashier of the Stationary Office.
- Surveyor of Somerset Place.
- Agents for Cape Breton.—Bahama Islands.—New Brunswick.—Prince Edward Island.—Upper Canada.—Newfoundland.—Nova Scotia.—New S. Wales.—Regimental Infirmaries.—Paying Allowances to retired and officiating Chaplains of the Army.—Volunteer Corps.

List of Persons Accountable before the Commissioners for Auditing the PUBLIC ACCOUNTS, *for Money imprested on Account, for Extraordinary Services: viz.*

- Barrack Masters Gen. Abroad.
- Deputy Barrack Masters General.
- Contractors for Victualling his Majesty's Forces.
- Contractors for remitting Money for pay of Extras of the Forces.
- Contractors for furnishing Camps with Bread, Wood, Straw, and Forage.
- Commissaries General, Deputy Commissaries for the Purchase and Issues of Stores.
- Commissaries of Accounts.
- Engineers, for Monies received out of the Extraordinaries of the Forces.
- Governors of Islands or Provinces and Lieut. Governors thereof.
- Commanders in Chief, for Contingencies.
- Paymasters of Provincial Forces.
- Purveyors of Hospitals.
- Quarter Masters General, and Deputy Quarter Masters Gen.
- Superintendants, &c. of Indian Affairs.
- Secretaries to Governors.
- Secretaries to Commanders in Chief.
- Clerk of the House of Commons, for printing the Journals.

N. B.—Any Person to whom Money may be Imprested on Account for Extraordinary Services (not relating to the Navy or Ordnance) becomes a Public Accountant, and is compellable to pass an Account in this Office.

List of Accounts which have NEITHER been Audited, Stated, or Declared;—completed to the 5th of January 1808.

List of the Accounts which HAVE been either Stated or Declared; so far as any Balances appear to be now owing to, or from, the Public, upon any such Accounts;—completed to the 5th January 1808.

IV.—TRADE AND NAVIGATION OF GREAT BRITAIN.

Value of all IMPORTS *into, and of all* EXPORTS *from* GREAT BRITAIN, *for Three Years, ending the 5th January* 1808.

	OFFICIAL VALUE of IMPORTS:		OFFICIAL VALUE of EXPORTS:	
	From Europe, Africa, and America.	From East Indies and China.	Foreign and Colonial Merchandize.	British Produce and Manufactures.
	£.	£.	£.	£.
Year ending 5th January 1806	24,272,468	6,072,160	9,950,508	25,004,337
1807	25,089,136	3,746,771	9,124,499	27,402,685
1808	25,406,330	*	9,395,283	25,190,762

Note—The Value of British Produce and Manufactures exported, computed at the average Market Prices, was, in the Year ending 5th January, 1808 - - £. 40,479,865

* The Account of Imports from India and China, for the last Year, cannot be yet prepared.

*** The Appendixes state the specific Articles.

Number of VESSELS, *with the Amount of their* TONNAGE, *which have been Annually Built and Registered in the several Ports of the* BRITISH *Empire, (except Ireland) between 5th Jan.* 1805 *and 5th Jan.* 1808.

	SHIPS.	TONS.
In the Year 1805	1,001	89,584
In the Year 1806, being the Account delivered last Year, and now corrected	772	69,198
In the Year 1807	741	66,117

Number of VESSELS, *the Amount of their* TONNAGE, *and the Number of* MEN *and* BOYS *usually employed in Navigating the same, which belonged to the several Ports of the* BRITISH *Empire, in the Years* 1805, 1806, *and* 1807.

	1805.			1806.			1807.		
	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.
England	14,790	1,799,210	117,668	14,877	1,786,692	118,089	15,132	1,796,552	119,631
Jersey	74	6,769	685	68	6,485	543	77	6,891	552
Guernsey	111	9,759	1,326	108	10,193	1,351	106	9,927	993
Man	404	9,650	2,336	398	9,568	2,298	390	9,373	2,259
Plantations	3,024	190,953	15,467	2,867	183,860	13,244	2,917	184,794	13,565
Scotland	2,581	210,295	15,160	2,788	211,431	15,415	2,615	216,553	15,658
Ireland	1,067	56,806	5,070	1,076	55,545	5,081	1,098	56,981	5,217
Total	22,051	2,283,442	157,712	22,182	2,263,714	156,021	22,335	2,280,991	157,875

Number of VESSELS, *with the Amount of their* TONNAGE, *&c. which entered* INWARDS *and cleared* OUTWARDS, *in the several Ports of* GREAT BRITAIN, *from, or to all Parts of the World, in the Years* 1805, 1806, *and* 1807.

	INWARDS.						OUTWARDS.					
	BRITISH.			FOREIGN.			BRITISH.			FOREIGN.		
NGLAND.	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.
ear 1805	8,889	1,265,592	71,786	4,099	633,616	31,396	9,320	1,284,691	79,287	3,698	572,961	28,958
1806	9,456	1,239,528	72,777	3,358	551,104	27,798	9,789	1,258,903	78,596	3,249	538,700	27,900
1807	8,590	1,196,872	69,544	3,712	626,603	29,406	8,924	1,190,232	73,818	3,630	600,440	29,685
COTLAND.												
1805	2,525	228,698	15,380	418	58,267	3,337	2,288	210,518	15,121	234	32,860	1,966
1806	2,662	243,136	16,211	435	61,800	3,556	2,462	227,399	15,961	210	29,470	1,732
1807	2,623	239,795	15,453	375	53,541	3,082	2,504	233,871	15,902	216	31,070	1,726

V.—PUBLIC EXPENDITURE.

	£.	s.	d.	£.	s.	d.	£.	s.	d.
I. Interest & Charges on the permanent Debt of Great Britain, Appx. (A.)	-	-	-	-	-	-	30,478,174	8	9¾
II. The Interest on Exchequer Bills, (B.)	-	-	-	-	-	-	1,574,361	18	5
III. The Civil List, (C.)	-	-	-	958,000	0	0			
IV. Other Charges on the Consolidated Fund, viz. Courts of Justice	-	-	-	57,558	17	2¼			
Mint	-	-	-	11,576	2	0			
Allow. to Roy. Fam.	-	-	-	290,171	4	9½			
Sals. & Allowances	-	-	-	74,453	7	0¼			
Bounties	-	-	-	202,402	8	9			
							1,594,161	19	9
V. Civil Government of Scotland, (D.)	-	-	-	-	-	-	85,359	3	3½
VI. Other Payments in Anticipation, (E.) Bounties for Fisheries, Manufactures, Corn, &c.	-	-	-	438,991	13	8¼			
Pensions on the Heredit. Revenue	-	-	-	27,700	0	0			
Militia and Deserters Warrants, &c.	-	-	-	208,197	10	0¾			
							674,889	3	9
VII. Navy, (F.)—Salaries to the Offices	130,000	0	0						
For Wages, Bounty, Flag-pay, Half-pay, and Pensions	2,809,712	19	0						
For Dock Yards, Building of Ships, Stores, Pilotage, &c.	6,361,735	0	8						
For Marine Service on Shore	412,100	0	0						
				9,713,547	19	8			
The Victualling Department	-	-	-	4,932,777	19	9			
Transport do. for Transports, Prisoners of War, Sick & Wounded Seamen, &c.	1,829,435	9	10						
Miscellaneous Services	300,000	0	0						
				2,129,435	9	10			
							16,775,761	9	3
VIII. Ordnance, (G.)	-	-	-	-	-	-	4,190,748	6	6
IX. Army, (H.)—Ordinary Services, viz. For Regulars, Fenc. Milit. Invalids, and Volunteer Corps	8,614,625	1	1						
Barracks	256,549	8	2						
Staff Officers & Offic. of Garrisons	144,596	6	9						
Half-pay	198,343	3	0						
Widows Pensions	21,500	0	0						
Chelsea Hospital	550,023	7	7						
Exchequer Fees	77,468	0	10						
Pay of Public Offices	93,578	6	0						
				9,956,683	13	5			
Extraordinary Services	-	-	-	5,431,867	0	11			
							15,388,550	14	4
X. Loans, Remittances, and Advances to other Countries, - - Ireland, (I.)	-	-	-	-	-	-	3,681,251	3	4
XI. Miscellaneous Services, (K.) At Home	-	-	-	1,049,205	7	8¾			
Abroad	-	-	-	178,177	13	0			
							1,227,383	0	8¾
							75,670,641	8	2
Deduct Loan, &c. for Ireland	-	-	-	-			3,681,251	3	4
						£.*	71,989,390	4	10

* This includes the Sum of £. 438,257. 18. 5. for Interest paid on Imperial Loans.

N.B. The several Items under each head are stated in the Appendixes A, B, &c. above referred to—which follow.

Monies paid out of the Exchequer in the Year ended 5th Jan. 1808, *towards satisfying the Charges of the* Public Debt *of Great Britain, Ireland, and Imperial Loans.*

	INTEREST.			Annuities for Lives, or for Terms of Years.			Charges of Management.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Permanent Funded Debt of Great Britain...	17,611,268	16	9¾	1,403,350	14	4	272,948	12	8½
Loans raised for the Service of Ireland	1,162,631	14	8	91,208	6	8	19,163	12	11
Imperial Loans	202,792	7	11	230,000	0	0	5,645	10	6
	18,976,692	19	4¾	1,724,559	1	0	297,757	16	1½
							1,724,559	1	0
							18,976,692	19	4¾
						£.	20,999,009	16	6¼

Towards the Redemption of the Public Debt; viz.	£.	s.	d.			
Annual Issue by 26 Geo. III.	1,000,000	0	0			
Ditto........ 42 do	200,000	0	0			
Annuities for Terms of Years expired, prior to 5th July, 1802 .	79,880	14	6			
Annuities for Lives on which the Nominees are certified to have died prior to 5th July 1802, or that have been unclaimed for 3 Years	49,598	0	7			
Interest on Debt of Great Britain redeemed	3,560,654	4	8			
Ditto .... Ireland - - - - - do	118,063	13	6			
Ditto............. Imperial - - - - do	22,286	12	1			
£. 1 per cent. on Part of Capitals created since 5th Jan. 1793...	3,491,360	11	2½			
Part of the annual Appropriation..............................	468,200	14	0			
£. 1 per cent. on Capitals created (for Ireland) by Loans	452,427	1	9			
Ditto Imperial Loans	36,693	0	0			
				9,479,164	12	3½
			£.	30,478,174	8	9¾

APPENDIX (A. 2.)—*Total Amount of the Sums actually received by the* Commissioners *for the Reduction of the* National Debt, *in the Year ending the 5th Jan.* 1808.

GREAT BRITAIN.	£.	s.	d.	£.	s.	d.
By Annual Issue, 26 Geo. III.	1,000,000	0	0			
Ditto ....42 - - - - -	200,000	0	0			
Exchequer Anns. for 99 & 96 Years, expired 1792	54,880	14	6			
Short Anns. 1777, expired 1787	25,000	0	0			
Anns. on Lives expired prior to 5th July 1802................	20,998	1	1			
Anns. on Lives unclaimed for 3 Years before 5th Jan. 1807....	28,599	19	6			
£.1 per cent. per ann. on Capitals created by Loans raised from 1793 to 1807, both inclusive	3,491,360	11	2½			
Interest on £.3 per cent. Annuities	3,445,155	15	10			
——— on £.4 per cents.	104,696	0	0			
——— on £.5 per cents.	7,100	0	0			
				8,377,771	2	1½
Three quarters Issue of the Annual Appropriation towards the Redemption of £.12,000,000, part of £.14,200,000 Loan 1807	468,200	14	0			
Interest on Capitals purchased by the Commissioners at £.3 per cent. on account of said Loan	3,722	8	10			
				471,923	2	10
IRELAND.						
				8,849,694	4	11½
£. 1 per cent. per ann. on Capitals created by Loans raised from 1797 to 1807, both inclusive	452,427	1	9			
Interest on £.3 per cent. Anns.	118,063	13	6			
				570,490	15	3
IMPERIAL.						
£. 1 per cent. per ann. on the Capital created by Loan 1797 ...	36,693	0	0			
Interest on 3 per cent. Imperial Anns.	22,286	12	1			
				58,979	12	1
				9,479,164	12	3½

APPENDIX (B.) will be found in page xxii.

APPENDIX (C.)—*Charges upon the* CONSOLIDATED FUND, *in the Year ended Jan.* 5, 1808; *exclusive of the Interest of the* PUBLIC DEBT, *and the Payments upon* EXCHEQUER BILLS.

CIVIL LIST.	*£.*	*s.*	*d.*
For his Majesty's Household	898,000	0	0
Ditto by 44 Geo. III. per ann	60,000	0	0
COURTS OF JUSTICE.			
The Judges of England and Wales	17,900	15	5
A. Graham, Esq. Inspector of the temporary places of confinement of Felons	350	0	0
P. Colquhoun, Esq. Receiver of the Thames Police Office	7,168	6	10
J. Baldwin, Esq. Receiver of the seven Public Offices	16,139	14	11¼
H. M. Dyer, Esq. Ch. J. Adm. Court, Bahama	2,000	0	0
J. Bedford, Esq. do. Barbadoes	2,000	0	0
J. Sewell, Esq. do. at Malta	2,000	0	0
W. Territt, Esq. do. at Bermudas	2,000	0	0
Alex. Croke, Esq. do. Nova Scotia	2,000	0	0
H. I. Hinchcliffe, Esq. do Jamaica	2,000	0	0
Sheriffs of England and Wales	4,000	0	0
Keeper of the Hanaper in Chancery	—		
MINT.			
Master of, in England	6,900	0	0
T. Morrison, esq. Receiver of the Fees in the Mint	3,476	2	0
Master of, in Scotland	1,200	0	0
SALARIES & ALLOWANCES.			
The Rt. Hon. C. Abbot, Speaker of the House of Commons, to complete his Allowance of 6,000l.	2,801	10	0
The Marquis of Bute, late one of the Auditors of the Imprest	7,000	0	0
P. Deare, Esq. late Deputy do.	300	0	0
E. Roberts, Esq. on the yearly Sum of 650l. formerly paid to the Auditor of the Exchequer	650	0	0
Commissioners for auditing the Public Accounts	12,300	0	0
Salaries of Clerks in the Office of Public Accounts	35,982	7	0
Inspector of Tontine Certificates	800	0	0
Chief Cashier of the Bank of England, for Fees paid at sundry Public Offices	904	6	0
Do. of South Sea Co. for do.	—		
Commissioners for auditing the Public Accounts in the West Indies	4,750	0	0
Salaries and Contingencies for do	5,764	18	8
John Buckworth, Esq. 49 days to 10th Oct. 1807	126	5	9¼
John L. Panter, Esq. for Salaries and Contingencies in the Office of the said Commissioners, to enable them to proceed to the West Indies	3,073	19	7
PENSIONS.			
His R. H. the Prince of Wales	65,000	0	0
Ditto ditto	—		
Ditto the Duke of York	14,000	0	0
Ditto Clarence	12,000	0	0
Ditto Kent	12,000	0	0
Ditto Cumberland	12,000	0	0
Ditto Sussex	12,000	0	0
His R. H. the Duke of Cambridge	£12,000	0	0
Ditto Clarence	6,000	0	0
Ditto Kent	6,000	0	0
Ditto Cumberland	6,000	0	0
Ditto Sussex	6,000	0	0
Ditto Cambridge	6,000	0	0
Representatives of Arthur Onslow	3,000	0	0
Earl of Chatham	4,000	0	0
Lord Heathfield	1,500	0	0
Lord Rodney	2,000	0	0
Lady Dorchester	1,000	0	0
John Penn, Esq.	3,000	0	0
Richard Penn, Esq.	1,000	0	0
Duchess of York	4,000	0	0
Earl St. Vincent	2,000	0	0
Lord Duncan	2,000	0	0
Duke of Richmond	12,666	13	4
Sir William Henry Ashurst	1,500	0	0
Sir Beaumont Hotham	2,000	0	0
Sir Sidney Smith	1,000	0	0
Baroness Abercrombie	2,000	0	0
Lord Hutchinson	2,000	0	0
Sir James Saumarez	1,200	0	0
Duke of Portland and others, for the Prince of Orange	16,000	0	0
Lord Boringdon and others, in Trust for Lord Amherst	3,000	0	0
Duke of Athol	3,256	3	6
Lady Viscountess Nelson	2,000	0	0
Sir Rich. Strachan	1,000	0	0
Lord Collingwood	2,000	0	0
Sir J. T. Duckworth	1,000	0	0
Lord Eldon	955	11	1¼
William Earl Nelson	5,000	0	0
Lord Rodney	923	1	6
Thomas Baron Erskine	3,044	8	10½
Princess Charlotte of Wales	7,000	0	0
Duchess Dowager of Gloucester	2,000	0	0
Duke of Gloucester	14,000	0	0
Her Highness Princess Sophia	5,000	0	0
Do for 49 days to 10th Oct. 1807	752	11	6½
Sir J. Stuart, for 1 day 1 qr. of a year to Do	1,502	14	11¼
Duke of Grafton	6,870	0	0
BOUNTIES.			
For the Encouragement of the Growth of Hemp and Flax	2,956	13	8
Richard Clarke, Esq. Chamberlain of the City of London, for the better Improvement of the Port of London	20,000	0	0
Do. in full of £.100,000	20,000	0	0
Do. in part of £.45,000	21,000	0	0
Commissioners for the Improvement of the Port of London	4,000	0	0
Do. for Compensations for loss sustained under the Act for the Improvement of the Port of London	93,079	12	7
Do. of Northern Light-houses	15,000	0	0
The Directors of the West India Company, in part of £.30,000	15,000	0	0
Sir W. Curtis, for 130 Ticket Porters, claiming Compensations under the Act for Improvement of the Port of London, including Fees	11,366	2	6
	£.1,594,161	19	9

APPENDIX (B.)—*Interest paid on* EXCHEQUER BILLS, *from the 5th Day of Jan.* 1807 *to the 5th Day of January* 1808.

	Cap.	£.	s.	d.
Aids Anno 1806	6.	237,411	19	5
Supply Anno 1806	25.	679,727	3	8
Aids Anno 1806	93.	413,344	19	11
Ditto for £.1,500,000	6.	72,945	4	1
Ditto Bank Charter for £.3,000,000	41.	90,000	0	0
Aids Anno 1807	28.	664	7	5
Bank Premiums on Personal Estates and Malt Duty, &c.		80,268	3	11
		£.1,574,361	18	5

APPENDIX (D.)—*A List of all such Sum and Sums of Money as have been incurred, and become due, upon his Majesty's Establishment for* CIVIL AFFAIRS *within* SCOTLAND, *bearing Date the* 19*th Day of June* 1761, *for One Year: from 5th Jan.* 1807 *inclusive to 5th Jan.* 1808 *exclusive* . . . . £.85,359 3 $3\frac{7}{12}$.

APPENDIX (E. 1.)—*Amount of* BOUNTIES *paid in England and Scotland out of the Revenues of Customs and Excise, between the 5th of Jan.* 1807 *and the 5th Jan.* 1808; *being Payments in the nature of Anticipations of Exchequer Issues.*

	ENGLAND.			SCOTLAND.			GREAT BRITAIN.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
CUSTOMS. Bounties on Cotton and Linen Manufactures, &c. ...... British and Southern Whale Fishery .. .. Newfoundland and White Herring do.	342,200	19	5¾	65,091	10	9½	407,292	10	3¼
EXCISE. Bounties on British Spirits ...... on Fish Buss and Barrel Bounties, certified on the Excise, for Deficiency of Money in the hands of the Receiver Gen. of the Customs	19,840	10	11½	11,858	12	5½	31,699	3	5
£.	362,041	10	5¼	76,950	3	3	438,991	13	8¼

APPENDIX (E. 2.)—POST OFFICE.—*Pensions and Parliamentary* GRANTS, *for the Year ended 5th January* 1808.

His Grace the Duke of Marlborough	£. 5,000
His Grace the Duke of Grafton	4,700
The heirs of the late Duke of Schomberg	4,000
	£. 13,700

APPENDIX (E. 3.)—EXCISE.—*An Account, shewing how the* PUBLIC MONIES *remaining in the Receipt of the Exchequer on the 5th Jan.* 1807, *together with the Monies paid into the same during the Year ending 5th Jan.* 1808, *and the Monies paid out of the Net Produce of the Revenues of the said Year, in Anticipation of the Exchequer Receipt, have been actually applied; so far as regards the Receipt of the Excise in England, and can be ascertained at the Excise Office.*

	£.	s.	d.	£.	s.	d.
PENSIONS, viz.						
Duke of Grafton	9,000	0	0			
Earl Cowper	2,000	0	0			
Charles Boon, Esq. Moiety of the Earl of Bath's	1,500	0	0			
Lord Melbourne's .... ditto	1,500	0	0			
				14,000	0	0
BOUNTY:						
Salted Provisions				19,840	10	11½
£.				33,840	10	11½

APPENDIX (E. 4.)—*Sums advanced by Receivers General of Land and Assessed Taxes, on Account of* Militia, *and* Deserters Warrants, *and other Disbursements, under various Acts of Parliament; between the 5th January* 1807 *and the 5th January* 1808.

	ENGLAND.			SCOTLAND.		
	£.	s.	d.	£.	s.	d.
Militia and Deserters Warrants	19,659	5	4½	6,214	12	10½
Volunteers	80,439	16	3½	39,103	13	4
Defence Acts	18,182	8	11¾	691	7	7
Army of Reserve	32,337	2	10	10,239	19	11½
Yeomanry Cavalry	....			1,121	10	4
Population Act	....			207	12	6
£.	150,618	13	5¾	57,578	16	7
Total....£.	208,197	10	0¾			

APPENDIX (F.)—*Monies received from his Majesty's Exchequer, for* Naval Services, *between 5th January* 1807 *and the 5th January* 1808.

HEADS OF SERVICE.	SUM.			TOTAL.		
NAVY:	£.	s.	d.	£.	s.	d.
Salaries to the Admiralty, Navy, and Navy Pay Offices	130,000	0	0			
Wages to Officers and Seamen	2,117,308	7	6			
Bounty to Volunteers, Flag Pay, &c.	380,000	0	0			
Half Pay to Sea Officers, and Bounty to Chaplains	206,404	11	6			
Pensions to Sea Officers, their Widows, &c. and to superannuated Artificers	106,000	0	0			
Wages to His Majesty's Dock and Rope Yards	1,051,000	0	0			
Building of Ships, purchase of Stores of every Description, repairing of Ships, purchase of Ships taken from the Enemy, Head Money, &c. paid in Bills at Ninety Days Date	4,654,758	13	7			
Pilotage	38,000	0	0			
Bills of Exchange, Imprests, and Contingencies	605,976	7	1			
Exchequer Fees	12,000	0	0			
Marine Services on Shore, and Half Pay to Marine Officers	412,100	0	0			
				9,713,547	19	8
VICTUALLING.						
Provisions and all sorts of Victualling Stores, paid for in Bills at Ninety Days Date	3,621;954	6	5			
Wages to the Victualling Yards	135,100	0	0			
Bills of Exchange and Imprest	1,031,000	0	0			
Necessary and Extra Necessary Money, and Contingencies	112,000	0	0			
Widows Pensions	32,723	13	4			
				4,932,777	19	9
TRANSPORTS, &c.						
Freight of Transports, Maintenance of Prisoners of War, and Expence of Sick and Wounded Seamen, paid for in Bills at Ninety Days Date	1,829,435	9	10			
Bills of Exchange, and all other Services paid for in Ready Money	300,000	0	0			
				2,129,435	9	10
			£.	16,775,761	9	3

APPENDIX (G).—*Monies paid by the Office of* Ordnance, *in the Year* 1807, *for Services at Home and Abroad respectively.*

	£.	s.	d.
Services at Home	3,895,526	11	0
Services Abroad	295,221	15	6
£.	4,190,748	6	6

APPENDIX (H.)—*Monies paid by the Right Honourable the Paymasters General of his Majesty's* FORCES, *from 25th December* 1806 *to 24th December* 1807.

	£.	s.	d.
Pay and Allowances of the Forces, &c. Captains Allowances, Off-reckonings, Recruiting and Contingencies, Bills, and Clothing	7,972,850	8	5
Volunteers	641,774	12	8
Exchequer Fees	77,468	0	10
Garrisons	24,000	0	0
Pay of Officers	93,578	6	0
Staff	120,596	6	9
Barracks	256,549	8	2
Half Pay	198,343	3	0
Widows Pensions	21,500	0	0
Chelsea Hospital	550,023	7	7
Extraordinaries	5,431,867	0	11
	£.15,388,550	14	4

APPENDIX (I.)—*An Account of* LOANS, REMITTANCES, *and* ADVANCES *to other Countries, in the Year ending the 5th Day of January* 1808.

There was remitted out of Supplies 1806/7, to that Part of the United Kingdom called Ireland, viz.	£.	s.	d.
Out of £.1,000,000 granted out of Spanish Property and Droits of Admiralty, for the service of the Year 1806	117,647	0	0
Out of Loan 1806, per Act 46 Geo. III. Cap. 33.	276,000	0	0
Out of Lotteries 1806, per Ditto .... Cap. 148.	156,437	10	0
Out of Loan 1807, per Act 47 Ditto .... Cap. 28.	1,630,000	0	0
Out of Loan 1807, per Act .. Ditto .... Cap. 46.	1,450,000	0	0
Out of Lotteries 1807, per Act Ditto .. Cap. 9.	51,166	13	4
	£.3,681,251	3	4

APPENDIX (K).—*An Account, shewing how the Monies remaining in the Receipt of the* EXCHEQUER *on the 5th Day of January* 1807, *together with the Monies paid into the same during the Year ended the 5th of January* 1808, *have been actually applied; so far as relates to* MISCELLANEOUS SERVICES.

SERVICES AT HOME.	£.	s.	d.
To be paid to the Officers of the Houses of Lords and Commons 1806/7	7,428	12	4
For defraying the Charge of the Superintendence of Aliens 1805/6/7	7,040	0	0
For the Royal Military College, 1806/7	31,345	2	11
For the Use of the Officers and Seamen who served under the late Vice-Admiral Lord Viscount Nelson, at the Battle off Cape Trafalgar, on the 21st Oct 1805/6 .	12,500	0	0
For defraying the Charge of the Works and Repairs of the Roads and Bridges in the Highlands of Scotland, 1806	10,250	14	0
For confining, maintaining, and employing Convicts at Home, 1806/7	48,166	2	6¼
For printing Journals of the House of Commons, for printing and delivering Votes, and for printing Reports, Bills, &c. 1806	18,291	14	4
For printing 1,750 Copies of the 58th Volume of Journals, 1806	4,000	0	0
For Printing and Stationary for the Two Houses of Parliament, for 1806/7	30,682	15	6
For the French Clergy and Laity; Toulonese, Corsican, and Dutch Emigrants; and American Loyalists, 1806/7	133,119	2	7
Towards defraying the Expence of the Public Office, Bow Street, 1806/7	12,701	18	5
For the Royal Military Asylum at Chelsea, for 1806	12,808	16	11
For his Majesty's Foreign and other Secret Services, 1806/7	Vide Services Abroad.		
For carrying on the building of a new Mint, 1806/7	58,033	2	0
Extraor. Expences of Prosecutions relating to the Coin of this Kingdom, 1806/7	2,722	16	1

For the extra Charge of Messengers of the Three Secretaries of State, 1806/7	£10,500	0	0
For Do. .... of Contingencies..... Do. 1806/7	9,000	0	0
For the Ministers of the Vaudois Churches, for 1806/7	1,828	5	4
To Sheriffs, for Conviction of Felons and Overpayments, 1806	6,700	0	0
For defraying Law Charges, 1806/7	13,000	0	0
Protestant Dissenting Ministers in England, and for the Relief of the poor French Protestant Clergy and Laity, for 1806/7	9,370	5	0
For Printing, by Order of the Commissioners of Public Records, 1806	3,596	5	10
For printing Returns relative to the Expence and Maintenance of the Poor, 1806	393	1	0½
For the Royal College of Surgeons, to erect a Building for the Reception of Dr. Hunter's Collection, and a Theatre for the Delivery of Public Lectures on Anatomy and Surgery	4,000	0	0
For an Allowance to the Commissioners of Naval Inquiry, 1806	294	16	8
Towards the Support of an Institution called the Veterinary College, for 1806	1,500	0	0
For the Deficiency of the Grant 1806, for the relief of the suffering Clergy and Laity of France, Toulonese, Dutch and Corsican Emigrants, and American Loyalists, 1807	1,432	13	6
For the Deficiency of the Grant Anno 1806, for the Protestant Dissenting Ministers in England, and for the Relief of the Poor French Protestant Clergy and Laity, 1807	377	8	6
To defray Bills of the Usher of the Court of Exchequer for Stationary, &c. for 1807	1,214	4	3
For Works done at the two Houses of Parliament and at the House of the Speaker	27,900	0	0
For the Deficiency of the Grant of 1806, for Do. 1807	11,800	0	0
For the Works and Repairs of the Military Roads in North Britain, 1807	4,993	5	0
For purchasing Buildings and Ground in and near Palace Yard, Westminster, 1807	11,750	14	6
Ditto .... Ditto	29,000	0	0
For Deficiency of Printing, &c. for the Two Houses of Parliament	9,789	11	8¼
For printing and delivering Votes of the House of Commons, and printing Bills Reports, &c. 1807	16,168	3	3
For Deficiency of the Grant for Ditto, Anno 1806	14,881	16	2
For Deficiency of the Grant of 1806, for printing 1,750 Copies of the 58th Volume of Journals of the House of Commons, 1807	459	2	4
For defraying the Expence of printing Articles of Impeachment, Minutes of the Evidence, and Copies of the Trial of Lord Viscount Melville, 1807	2,046	6	0
For defraying the Expences incurred in the Department of the Lord Chamberlain of his Majesty's Household, on the Trial of Lord Viscount Melville, 1807	8,556	9	11½
For Expence of making an Inland Navigation from the Eastern to the Western Sea,	25,000	0	0
For paying Fees on passing Public Accounts, 1807	5,000	0	0
To satisfy an Award made by Dr. Swabey and Master Griffulhe, for the Loss of the Ship Dunkirk on the Coast of Denmark, 1807	11,538	14	6
For the Captors of the Second Swedish Convoy, and for the Balance due to the Owners of the said Ships, 1807	10,306	18	5
To the Trustees of the British Museum, for the purchase of the MSS. belonging to the late Marquis of Lansdowne, 1807	4,925	0	0
Towards the Repair of Henry the Seventh's Chapel, 1807	2,000	0	0
Further Reward to Dr. Jenner, for promulgating his Discovery of the Vaccine Inoculation, 1807	20,000	0	0
For enabling the Trustees of the British Museum to carry on the Trusts reposed in them by Parliament, 1807	5,556	5	0
For erecting Buildings for a Naval Asylum, and towards the Maintenance of the said Institution, 1807	30,000	0	0
For Salaries to the Officers, and Incidental Expences of the Commissioners for reducing the National Debt	2,328	18	0
To the Representatives of William Young, Esq; for Expences attending the execution of an Act for the Redemption and Sale of the Land Tax	1,849	18	3
For Salaries and Expences of American Commissioners	2,611	0	0
To the Bank of England, for Discount on Prompt Payments on Loan £. 20,000,000	251,672	4	1
To .... Do .... for receiving the above Loan	16,115	16	8
To .... Do .... for Discount on prompt Payments on Lotteries, 1806/7	2,571	4	8
To .... Do .... for receiving Contributions to Lotteries	5,000	0	0
Principal and Interest of American and East Florida Orders, for Relief to such Persons as have suffered during the late unhappy Dissentions in America	476	7	6¼
To the Commissioners for preparing and drawing Lotteries 1806/7	15,500	0	0

To replace to His Majesty's Civil List Revenues the Sums issued thereout, pursuant to Addresses of the House of Commons; viz.

For Rewards to Persons employed under the Commissioners for carrying into execution the Measures recommended by the Ho. of Com. respecting the Public Records	1,085	3	0
To the Clerk Assistant of the House of Commons, Sess. 1806	980	2	8
To the Second Clerk Assistant to the House of Commons, in Do	1,085	4	0
To Edward Colman, Esq late Serjeant at Arms, attending the House of Commons	250	0	0
To the Deputy Serjeant at Arms, to make up his Allowance equal to £. 500, for the Session 1806	332	3	0
To George Whittam, Esq; for making an Index to the Votes in Session 1806	350	0	0
To H. Alexander, Esq; as Chairman of the Committee of Ways & Means, Sess. 1806	1,300	5	0

To make good to His Majesty's Civil List Revenues Monies issued thereout, for Public Services; viz.

For Salaries of the additional Commissioners for auditing the Public Accounts	£.5,397	2	0
To J. Johnson, Architect, for carrying on the Building of the new Mint	5,000	0	0
For additional Allowance to Clerks in the Office for auditing Public Accounts	4,252	1	1
To Dr. Clarke, for his Trouble and Attendance relative to an Act for enforcing the Residence of the Clergy	731	11	11
To Peter Lord Gwydir, Deputy Great Chamberlain, for Expences attending the Trial of Lord Viscount Melville	1,216	17	10
To Joseph Kaye and John Winter, Jun. Solicitors to the Managers of the Impeachment against Lord Viscount Melville	7,549	0	2
To W. G. Rose, Esq. and others Officers of the House of Commons, for their Attendance on various Committees in Session 1806	233	10	0
To E. Stracey, Esq. as a Compensation for his Services as Counsel to the Chairman of the Committee of the House of Peers, Session 1806	762	10	0
For defraying the Expences of a Plan for the more perfect Security of the Shipping in the Port of London	649	12	0
To H. Cowper, Esq. Clerk Assistant to the House of Lords, for additional Trouble during the Trial of Lord Viscount Melville	224	12	0
To W. Chinnery, Esq. as a Compensation to Persons attending during the Trial of Lord Viscount Melville	974	3	6
To J. Meheux, Esq. Assistant Secretary to the Commissioners for the Affairs of India, for the Purchase of the Lease of a House in Downing-street for an Office for the said Commissioners	272	5	4
For defraying the Expences of a Plan for the Establishment of a Horse Patrol for the public Roads leading to the Metropolis	3,172	18	0
To W. Chinnery, Esq. to pay a Bill drawn by Sir Eyre Coote, for Bounties on Fish	535	9	0
To the Secretary to the Commissioners of Military Enquiry, for Expences incurred by them	2,637	13	6
To the Secretary to the West India Commissioners, for the Expences of their Office	1,622	19	6
To Sir I. Heard, for extra Expences incurred at the Funeral of the late Lord Viscount Nelson	71	4	0
To William Chinnery, Esq. for Books of Science and Chemical Articles for the Settlement of New South Wales	114	11	0
To J. Clementson, Esq. for one Year's Rent of a House, in lieu of Apartments he resigned at the House of Commons	219	14	0
To W. Chinnery, Esq. to pay Bills drawn by Mr. Commissary Laidlaw, for Bounties on Fish	271	12	6
To T. Nettleship, Esq. for publishing the Average Price of Brown Sugar	434	17	0
To the Secretary to the Commissioners of Naval Enquiry, for Contingent Expences	1,060	19	0
To W. Watson, Esq. Serjeant at Arms to the House of Lords, for his Services during the Session 1806	1,623	0	0
To Lord Walsingham, Chairman of the Committees of the House of Lords, for his Attendance in Session 1806	2,698	13	0

SERVICES ABROAD.

For His Majesty's Foreign and other Secret Services, 1806/7	90,338	18	0
For repairing and maintaining British Forts and Settlements on the Coast of Africa	18,000	0	0
To pay Bills drawn from New South Wales, 1807	14,420	0	0
For the Civil Establishment of Upper Canada, 1807	8,280	0	0
.... Nova Scotia, 1807	5,373	15	0
.... New Brunswick, 1807	4,650	0	0
.... St. John's, 1807	3,100	0	0
.... Cape Breton, 1807	2,040	0	0
.... Bahamas, 1807	4,400	0	0
.... Bermuda, 1806/7	870	0	0
.... New South Wales, 1807	12,705	0	0
.... Sierra Leone, 1807	14,000	0	0
	£.1,227,383	0	8¾

VI.—PUBLIC FUNDED DEBT.

Public Funded Debt of Great Britain, *as the same stood on the First Day of February* 1808.

TOTAL DEBT UNREDEEMED.

		£.	s.	d.
Bank of England, and Annuities, 1726	At 3 per cent.	12,686,800	0	0
South Sea Old and New Annuities, 1751	Ditto	18,330,684	13	11½
Consolidated Annuities	Ditto	359,662,346	8	0¼
Reduced Annuities	Ditto	99,569,631	0	7
Consolidated Annuities	At 4 per cent.	47,107,684	17	2
Consolidated Annuities	At 5 per cent.	46,532,742	1	8
Annuities, 1797 and 1802	Ditto	2,070,043	16	9
Total Capitals		585,959.932	18	1¾
Annual Interest		19,009,621	8	7½
Annuities for Lives, or for Terms of Years		1,433,869	14	6¾
Charges of Management		288,409	0	0¼
Annuities fallen in or dead, 1 per cent. and Annual Grants, besides £. 23,675 2*s.* Annuities unclaimed for three Years at 5th Jan. 1808		9,971,892	4	1½
Total Charge for Debt payable in Great Britain		30,703,792	7	4

Progress made in the Redemption of the Public Debt *of* Ireland, *funded in* Great Britain, *at* 1*st February* 1808.

FUNDS.	CAPITALS.	Redeemed by the Commissioners at 1st February 1808.	TOTAL SUMS paid.			Average Price of Stocks.	SUMS applicable to the Reduction of DEBT.			
	£.	£.	£.	s.	d.			£.	s.	d.
Consolidated 3 per cent. Ann.	30,238,875	2,211,000	1,353,691	4	4	61¼	1 per cent. on Capital created	479,535	4	3
Reduced Do.	16,028,750	2,417,926	1,457,663	0	3	60¼				
Consolidated 4 per cent. Do.	300,000	4,628,926	2.811,354	4	7	60¾				
Do. 5 per cent. Do	572,000						Dividend on £.4,628,926 3 per cent. Annuities -	138,867	15	7
	47,139,625						£.	618.402	19	10
Redeemed by the Commissioners	4,628,926									
	42,510 699									

Progress made in the Redemption of the Imperial Debt, *at* 1*st February* 1808.

	£.	£.	£.	s.	d.			£.	s.	d.
Imperial 3 per cent. Annuities	3,669,300	829,426	485,167	0	11	58½	1 per cent. on Capitals created	36,693	0	0
Redeemed by the Commissioners	829,426									
Unredeemed 1st February 1808	2,839,874						Dividend on £.829,426, 3 per cent. Annuities	24,882	15	7
								61,575	15	7

(2)—*An Account of the Progress made in the* REDEMPTION *of the* PUBLIC FUNDED DEBT *of* GREAT BRITAIN, *at First of February* 1808.

FUNDS.	CAPITALS. £.	s.	d.	Redeemed by the Commissioners from 1st August 1786 to 1st Feb. 1808. £.	TOTAL SUMS Paid. £.	s.	d.	Average Price of Stocks.
Consolidated 3 per Cent. Annuities	384,336,558	4	5¼	54,662,720	33,495,789	18	6	61¼
....Do. pro 1807	8,400,000	0	0	249,280	156,066	18	0	62⅝
Reduced 3 per Cent. Ann.	150,284,044	7	10	62.111,493	37,673,602	15	3	60⅝
....Do. pro 1807	8,400,000	0	0	500,209	315,856	4	10	63½
Old South Sea Annuities. New....Do.	24,065,084	13	11½	6,901,000	4,871,802	15	6	70⅝
3 per Cent. .... Do. 1751	1,919,600	0	0	753,000	547,358	0	0	72⅝
Consol. 4 per Cent. Ann.	49,425,084	17	2	2,617,400	2,278,402	1	3	87
..Do. . 5 per Cent. Do.	44,830,742	1	8	142,000	126,998	7	6	89⅜
..Do. pro 1807	1,272,000	0	0					
5 per Cent. Annuities 1797 & 1802	2,070,043	16	9					
3 per Cent.....Do. 1726	1,000,000	0	0					
....Do.....Bank Ann.	11,686,800	0	0					
£.	687,689,958	1	9¾	127,937,102	79,465,877	0	10	
Transferred to the Commissioners, by reason of Land Tax Redeemed, at 1st February 1808	22,976,829	10	4					
DEBT Existing at 1st February 1808	664,713,128	11	5¾					
Redeemed by the Commissioners	127,937,102	0	0					
DEBT Unredeemed at 1st February 1808	536,776,026	11	5¾					

SUMS Annually applicable to the Reduction of the NATIONAL DEBT.	£.	s.	d.
Annual Charge, per Act 46 Geo. III.	1,000,000	0	0
....Do... 42 Do.	200,000	0	0
Annuities for 99 & 96 Years, expired 1792	54,880	14	6
Do. for 10 Years .. Do. 1807	25,000	0	0
Life Annuities Unclaimed for 3 Years, or of which the Nominees have died prior to 5th July 1802	49,786	18	1
Dividend on £.124,428,213 at 3 per Cent.	3 732,846	7	9½
.... Do. . on £. 2,617,400, at 4 per Cent.	104,696	0	0
.... Do. . . . on £. 142,000 Navy, at 5 per Cent.	7,100	0	0
Annuity of 1 per Cent. on part of Capitals created since 1st Feb. 1793	3,491,330	12	10
Annual Amount payable for Reduction of £.12,000,000 pro 1807	624,267	12	0
Dividend on £.749,489, at 3 per Cent. on Account of Do.	22,484	13	4½
	9,312,392	18	7

ANNUITIES Fallen in since 22d June 1802, or that will fall in hereafter.	£.	s.	d.
Exchequer Annuities, 2d and 3d Anne; expired 5th April 1803	23,369	13	4
Do. Do. 5th Jan. 1805	7,030	6	8
Do. 4 Anne, Do. 5th April 1865	23,254	11	6
Do. 5 Anne, Do. 5th April 1806	7,776	10	0
Do. 6 Anne, Do. 5th April 1807	4,710	10	0
Do. 6 Anne, Do. 5th July 1807	10,181	0	0
Bank Short Do. Do. 5th Jan. 1808	418,333	0	11
Do. Long Do. will expire 5th July 1860	1,047,494	5	4½
By an Act 42 Geo. III. cap. 71. such Annuities as fall in after passing that Act are not to be placed to the Account of the Commissioners for Reduction of the National Debt; but are no longer to be continued in the Annual Charge thereof.			

VII.—UNFUNDED DEBT.

An Account of the UNFUNDED DEBT *and* DEMANDS OUTSTANDING *on the 5th Day of January* 1808.

EXCHEQUER BILLS: Under what Acts issued.	On what Funds charged.	Amount Outstanding. £.	s.	d.	£.	s.	d.
47 Geo. III. cap. 3.	Malt, Anno 1806	£.273,000	0	0			
Ditto cap. 2.	Aids, Anno 1808	10,500,000	0	0			
Ditto cap. 28.	Ditto, Anno 1807	15,621,500	0	0			
Ditto cap. 73.	Ditto, Anno 1807	1,048,400	0	0			
Ditto cap. 27.	Ditto, Anno 1808	1,500,000	0	0			
Ditto cap. 76.	Ditto, Bank Charter 1808	3,000,000	0	0			
					31,942,900	0	0
TREASURY:							
Miscellaneous Services		41,052	19	10¾			
Warrants for Army Services		79,961	17	3			
Treasury Bills accepted previous to and on the 5th January, 1808, due subsequent to that day		231,085	16	0			
					727,100	13	1¾
ARMY:							
Ordinary Services		1,063,036	10	11			
Extraordinary Services		Nil.					
					1,063,036	10	11
Barracks					476,586	0	8
Ordnance					1,165,822	13	7
Navy					6,561,237	9	1¼
Civil List Advances					50,430	2	6
					41,987,113	9	11

VIII.—DISPOSITION OF GRANTS.

An Account, shewing how the Monies, *given for the* Service *of the Year* 1807, *have been disposed of; so far as relates to* Great Britain.

SERVICES.	SUMS Voted or Granted.			SUMS Paid.			Remains to be Paid.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Navy	16,977,837	9	3	16,977,837	9	3			
Ordnance	3,264,469	4	8	3,264,469	4	8			
Forces	15,361,365	2	9	15,361,365	2	9			
To enable his Majesty to take such measures as the exigency of affairs may require, for Great Britain	4,500,000	0	0	4,500,000	0	0			
To make good the like Sum, which has been advanced to the king of Prussia, in consequence of the urgency of affairs upon the Continent	180,000	0	0	180,000	0	0			
To make good the like sum, which has been issued by his majesty's orders, pursuant to addresses of the house of commons, and which has not been made good by parliament	5,382	17	8	5,382	17	8			
Civil Establishments and Services	3,038,560	4	9	2,774,575	8	10¾	263,984	15	10¼
Total	43,327,614	19	1	43,063,630	3	2¾	263,984	15	10¼

	£.	s.	d.
Payments for other Services, not being part of the Supplies granted for the Service of the Year	£.376,892	5	5¼

Ways *and* Means *for answering the foregoing* Services.

	£.	s.	d.	£.	s.	d.
Duty on Malt continued				750,000	0	0
4*s.* in the Pound on Pensions, Offices, &c.				2,000,000	0	0
Two-thirds Profits of fourth Lottery, 1806	92,666	13	4	423,333	6	8
Ditto - - - of three Lotteries, 1807	330,666	13	4			
Surplus consolidated Fund to 5th April 1808				3,750,000	0	0
War Taxes				19,800,000	0	0
Exchequer Bills on Vote of Credit				4,500,000	0	0
Surplus Ways and Means, 1806				171,185	5	3½
Loan, part of £.14,200,000. (the Remainder being for the Service of Ireland)				12,200,000	0	0
				£.43,594,518	11	11½

	£.	s.	d.
Total Sum granted as per preceding Account	43,327,614	19	1
Sums paid for Services not voted, as per Do.	376,892	5	5¼
	43,704,507	4	6¼
Amount of Ways and Means, as above	43,594,518	11	11½
Deficiency of Ways and Means	£.109,988	12	6¾

IRELAND.

FINANCE ACCOUNTS OF IRELAND,

FOR THE

YEAR ENDED FIFTH OF JANUARY, 1808.

I.—PUBLIC

HEADS OF REVENUE.	Gross Receipt within the Year.			Total Receipt to be Accounted for.			Re-payments, Drawbacks, Discounts, &c.			Charges of Management.		
	£.	s.	d.	£.	s.	d.	£	s.	d.	£.	s.	d.
Ordinary Revenues:												
Customs	2,452,765	17	1½	5,772,065	19	8⅛	181,778	4	8	239,121	5	2½
Excise	2,306,455	4	11⅜				67,980	15	2	185,539	5	3
Stamps	594,154	10	9¼	720,076	0	11	16,226	14	11¾	30,279	3	9½
Post Office	158,749	6	3	177,257	18	2½	17,477	9	1	73,723	15	9½
Poundage Fees	26,934	14	4¼	26,934	14	4¼	-	-		-	-	
Pells Fees	5,386	19	1¾	5,386	19	1¾	-	-		-	-	
Duty on Wrought Plate	2,898	12	4½	2,898	12	4½	-	-		-	-	
Casualties	4,324	11	0	4,324	11	0	-	-		-	-	
Total Ordinary Revenues	5,551,669	15	11⅝	6,708,944	15	8⅛	283,463	3	10¾	528,663	10	0½
Extraordinary Resources:												
Gain by Exchange on Sums received from Great Britain	15,973	10	4½	15,973	10	4½	-	-		-	-	
Commissioners of the Navy on account of Advances by Collectors in Ireland, for Seamen's Wages, &c	39,459	2	8¼	39,459	2	8¼	-	-		-	-	
From Great Britain, on Account of the Profit of Lotteries	224,904	10	3¼	224,904	10	3¼	-	-		-	-	
From several County Treasurers, paid to several Revenue Collectors, on Account of Advances made by the Treasury for enrolling the Militia	2,925	6	9	18,405	17	6	-	-		-	-	
From several County Treasurers, paid to several Revenue Collectors, on Account of Deficiencies in the Army of Reserve	140	0	0	9,115	8	5	-	-		-	-	
Other Monies paid to the Public	49,120	3	3¾	49,120	3	3¾	-	-		-	-	
Appropriated Duties for Local Objects.												
Linen Manufacture	1,600	0	8	3,529	15	10½	774	9	6	-	-	
Improvement of Dublin	9,518	18	0	10,476	11	1	12	2	0	-	-	
Repairs of the Royal Exchange and Commercial Buildings	1,652	5	0	2,071	19	2	-	-		-	-	
Lagan Navigation	3,476	2	10	3,614	11	0¾	1,321	13	4	107	14	2½
Inns of Court	1,111	10	0	1,111	10	0	-	-		-	-	
Total independent of the Loans	5,901,551	5	10⅜	7,086,727	15	5⅛	285,571	13	8¾	528,771	4	3
Loans paid into the Exchequer, in the Year ended the 5th of January 1808	2,977,747	4	9	2,977,747	4	9		-		-	-	
Grand Total	8,879,298	10	7⅜	10,064,475	0	2⅛	285,571	13	8¾	528,771	4	3

CLASS	CLASS
I. PUBLIC INCOME.	V. PUBLIC EXPENDITURE.
II. CONSOLIDATED FUND.	VI. PUBLIC FUNDED DEBT.
III. ARREARS AND BALANCES.	VII. UNFUNDED DEBT.
IV. TRADE AND NAVIGATION.	VIII. DISPOSITION OF GRANTS.

INCOME.

Total Payments out of the Gross Revenue.			Net Produce, applicable to National Objects, and to Payments into the Exchequer.			Payments on Account of Militia, Deserters, Straggling Seamen, Army of Reserve, and Fortification Compensation.			Bounties for promoting the Fisheries, Linen Manufacture, &c.			Total Payments out of the Net Produce.			Payments into the Exchequer.		
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
420,899	9	10½	5,097,646	9	4⅝	-	-		25,940	0	9	25,940	0	9	1,976,961	6	1¾
253,520	0	5				76,886	2	2	101,345	5	6¾	178,231	5	4¾	1,765,466	4	2½
46,505	18	9¼	673,570	2	1¾	-	-		-	-		-	-		564,624	15	10
91,201	4	10½	86,056	13	4	-	-		-	-		-	-		71,392	17	2
-	-		26,934	14	4¼	-	-		-	-		-	-		26,934	14	4¼
-	-		5,386	19	1¾	-	-		-	-		-	-		5,386	19	1¾
-	-		2,898	12	4½	-	-		-	-		-	-		2,898	12	4½
-	-		4,324	11	0	-	-		-	-		-	-		4,324	11	0
812,126	13	11¼	5,896,818	1	8⅞	76,886	2	2	127,285	4	1¾	204,171	6	3¾	4,417,990	0	2¾
-	-		15,973	10	4½	-	-		-	-		-	-		15,973	10	4½
-	-		39,459	2	8¼	-	-		-	-		-	-		39,459	2	8¼
-	-		224,904	10	3¼	-	-		-	-		-	-		224,904	10	3¼
-	-		18,405	17	6	-	-		-	-		-	-		1,007	13	0
-	-		9,115	8	5	-	-		-	-		-	-		4,700	1	4½
-	-		49,120	3	3¾	-	-		-	-		-	-		49,120	3	3¾
774	9	6	2,755	6	4½	-	-		-	-		-	-		1,745	15	4½
12	2	0	10,464	9	1	-	-		-	-		-	-		10,226	2	2
-	-		2,071	19	2	-	-		-	-		-	-		1,535	17	0
1,429	12	6½	2,184	18	6¼	-	-		-	-		-	-		1,413	8	1
-	-		1,111	10	0	-	-		-	-		-	-		1,111	10	0
814,342	17	11¾	6,272,384	17	5⅜	76,886	2	2	127,285	4	1¾	204,171	6	3	4,769,187	13	10½
-	-		2,977,747	4	9	-	-		-	-		-	-		2,977,747	4	9
814,342	17	11¾	9,250,132	2	2⅜	76,886	2	2	127,285	4	1¾	204,171	6	3	7,746,934	18	7½

II.—CONSOLIDATED FUND.

	INCOME. £.	s.	d.
Balance on the Consolidated Fund remaining in the Exchequer, on the 5th January 1807	514,097	6	0¼
Custom and Excise Duties, including Quit Rents and Payments by dismissed Collectors	3,742,427	10	4¼
Stamp Duties	564,624	15	10
Post Office Revenue	71,392	17	2
Duty on Wrought Plate	2,898	12	4½
Poundage Fee	26,934	14	4¼
Pells Fee	5,386	19	1¾
	4,927,762	15	3
Repayment from Great Britain of Advances for Seamen's Wages	39,459	2	8¼
From several County Treasurers on Account of Advances made by their Treasury for enrolling Militia	1,007	13	0
More for Fines levied on Parishes for Deficiencies in the Proportion of Men for the Army of Reserve	4,700	1	4½
From Commissioners for paving the Streets of Dublin, so much issued to the late Commissions pursuant to 46 Geo. III. c. 68	15,309	5	6½
Gain by Exchange on Sums received from Great Britain	15,973	10	4½
Other Monies paid to the Public	38,135	8	9¼
Extraordinary Resources:			
On Account of Loans	2,977,747	4	9
On Exchequer Bills	400,000	0	0
From Great Britain, for ⅓ of Profit on the 2d, 3d, and 4th Lotteries for 1806 and the 1st for 1807	224,904	10	3¼
	8,644,999	12	0¼

	ACTUAL PAYMENTS. £	s.	d.	CHARGE. £.	s.	d.
Interest on Funded Debt, including Annuities and Management	2,653,973	8	3¼	2,670,765	0	2¾
Interest on Unfunded Debt	9,890	8	2	9,913	11	8½
Sinking Fund and Management	705,103	13	1¼	705,103	13	1¼
Principal of Debentures	-	-	-	2,225	0	0
Principal of Exchequer Bills	-	-	-	658	6	8
Lottery Prizes	353	0	0	27,027	0	0
Discount on Prompt Payment of Loan Deposites, &c.	12,577	3	11	12,577	3	11
Inland Navigations	35,098	11	6	35,098	11	6
Improving the Harbour on the North Side of the Hill of Howth	4,000	0	0	10,000	0	0
Repayments of Fines levied on Parishes for Deficiencies in their Proportion of Men for Army of Reserve	4,560	1	4½	7,140	1	4½
	3,425,556	6	4	3,480,508	8	6
Civil List	149,642	3	0	145,000	0	0
Pensions	89,639	6	2½	Unascertained.		
Permanent Parliament Payments	138,612	18	11¾			
Military Purposes	3,929,878	19	2			
Vote of Credit	90,455	6	5¾			
Annual Grants	473,099	2	8			
	8,346,884	2	10	Unascertained.		
SURPLUS of Consolidated Fund on 5th January 1808	298,115	9	2¼			
	8,644,999	12	0¼			

III.—ARREARS AND BALANCES.

	£.	s.	d.
Balances due on the 5th January 1808, from the Collectors of Customs	50,941	13	0⅝
Ditto - - - - Ditto - - - - of Excise	113,033	8	7¾
Hearth-money Collectors' Balances	59,080	17	5¼

IV.—TRADE AND NAVIGATION.

Value of IMPORTS *and* EXPORTS *for Three Years.*

	OFFICIAL VALUE of Imports.			OFFICIAL VALUE OF Irish Products and Manufactures Exported.			OFFICIAL VALUE OF Foreign and Colonial Merchandize Exported.		
	£.	s.	d.	£	s.	d.	£.	s.	d.
Year ending 5th January 1806	5,736,214	10	4	5,059367	13	10	142,481	4	6
- - - - - - - - 1807	5,605,964	16	1	5,030'22	15	10	157,443	2	11
- - - - - - - - - 1808	6,637,907	16	7¼	5,307;06	16	4	150,370	3	8½

Note.—The real Value of Irish Produce and Manufactures exported in the Year ending the 5th Jan. 1808, computed at the Average Prices current, was £.10,110,385. 3*s.* 6¾*d.*

Number of VESSELS, *with the Amount of their* TONNAGE, *built and registered in the several Ports of* IRELAND, *in Three Years.*

	VESSELS.	TONNAGE.
Year ending 5th January 1806	28	1,212
- - - - - - - - 1807	41	1,687
- - - - - - - - 1808	33	1,838

Number of VESSELS, *with the Amount of their* TONNAGE, *and Number of* MEN *and* BOYS *usually employed in Navigating the same, that belonged to the Ports of* IRELAND *on the 30th Day of September in the Years* 1805, 1806, *and* 1807 *respectively.*

	VESSELS.	TONNAGE.	MEN.
On the 30th September 1805	1,067	56,755	5,062
- - - - - - - 1806	1,076	55,545	5,081
- - - - - - - 1807	1,098	56,902	5,217

Number of VESSELS, *with the Amount of their* TONNAGE, *&c. that entered* INWARDS *and cleared* OUTWARDS *in the Ports of* IRELAND, *from or to all Parts of the World, in the Three Years ending the 5th of January* 1808.

Years ending 5th January	INWARDS IRISH. SHIPS.	TONS.	MEN.	BRITISH. SHIPS.	TONS. MEN.	FOREIGN. SHIPS.	TONS.	MEN.
- - - - 1806 - - - -	1,276	91,290	6,230	6,139	580,7523,775	545	82,420	5,539
- - - - 1807 - - - -	1,497	102,163	7,049	6,687	630,3686,818	498	80,001	5,055
- - - - 1808 - - - -	1,503	107,733	7,231	6,836	652,9466,539	461	78,533	4,674
Years ending 5th January	**OUTWARD**							
- - - - 1806 - - - -	1,172	90,173	6,077	5,442	535,7630,648	521	77,783	4,910
- - - - 1807 - - - -	1,353	97,162	6,754	5,888	574,6832,441	522	83,048	5,139
- - - - 1808 - - - -	1,320	97,856	6,797	6,294	615,7034,631	418	72,662	4,130

V.—PUBLIC EXPENDITURE.

	£.	s.	d.	£.	s.	d.	£.	s.	d.
I. Interest on the Funded Debt of Ireland, including Annuities for Lives and Terms of Years; also 1 per Cent. for the Reduction of the Capital created by Loans since 1797, (A. 1 & 2)	3,258,445	1	11¾						
For Charge of Management thereon	-	-	-	32,996	11	0¾			
There was also applied towards the Reduction of the National Debt, the Annual Issue of	67,635	8	4						
	3,326,080	10	3¾						
Whereof was applied towards the Reduction of the National Debt	954,045	8	1¾						
Total on Account of Interest	2,372,035	2	2						
Ditto, for Charge of Management	32,996	11	0¾						
Ditto, on Account of the Reduction of the National Debt	954,045	8	1¾						
				-	-	-	3,359,077	1	4½
II. Interest on Exchequer Bills, (B.)	-	-	-	-	-	-	9,890	8	2
III. Issues for Purposes appointed by the Parliament of Ireland prior to the Union, &c. (C.)	-	-	-	-	-	-	17,490	5	3½
IV. Issues from Appropriated Funds for Local Purposes (D.)	-	-	-	-	-	-	15,110	2	0
V. { Civil List	-	-	-	149,642	3	0			
V. { Pensions	-	-	-	89,639	6	2½			
V. { Other Permanent Charges, (E.)	-	-	-	188,612	18	11¾			
							427,894	8	2¼
VI. Payments in Anticipation of Exchequer Receipts; viz.									
Bounties	-	-	-	127,285	4	1¾			
Militia, Army of Reserve, Deserters' Warrants, &c. (F 1 & 2.)	-	-	-	76,886	2	2			
							204,171	6	3¾
VII. Ordnance. (G.)	-	-	-	-	-	-	519,184	4	6½
VIII. Army.—Ordinary Service; viz.									
Regulars, Militia, and Volunteer Corps	-	-	-	2,427,534	14	3			
Barracks	-	-	-	371,134	0	3			
Staff Officers, and Officers of Garrisons	-	-	-	68,303	5	4½			
Half Pay Supernumerary and Retired Officers	-	-	-	25,787	6	0¼			
Officers Widows	-	-	-	4,628	15	5¼			
Royal Hospital, Kilmainham	-	-	-	40,315	13	4¾			
Public Offices, their Duties, Clerks, and Contingent Expences, (H.)	-	-	-	9,466	14	8¼			
				2,947,170	9	5			
Extraordinary Services	-	-	-	463,524	5	2½			
							3,410,694	14	7½
IX. Miscellaneous Services (I.)	-	-	-	-	-	-	512,197	14	2
Lastly. Vote of Credit, (K.)	-	-	-	-	-	-	90,455	6	5¾
						£.	8,566,165	11	1¾

(A. 1.)—Monies *paid out of the Receipt of the Exchequer, in the Year ending the 5th Jan.* 1808, *towards defraying the Charge of the* Public Funded Debt *of* Ireland.

	Interest and Annuities for Lives and Terms of Years, &c. £.	s.	d.	Charge of Management. £.	s.	d.
Interest, &c. on the Funded Debt of Ireland	3,258,445	1	11¾	32,996	11	0¾
	32,996	11	0¾			
	3,291,441	13	0½			
Annual Issue for the Reduction of the National Debt	67,635	8	4			
£.	3,359,077	1	4½			

(A. 2.)—*Total Amount of the Sums actually received by the Commissioners for the Reduction of the* National Debt, *in the Year ending 5th January* 1808.

	In Great Britain. £.	s.	d.	In Ireland. £.	s.	d.
Annual Issue	-	-	-	67,635	8	4
Expired Annuities	-	-	-	2,250	0	0
Appropriation of 1 per Cent. per Annum on Loans since 1797	498,286	16	8¼	136,337	2	9
	498,286	16	8¼	206,222	11	1
Interest on Debt of Ireland redeemed	150,440	1	10½	99,095	18	6
	648,726	18	6¾	305,318	9	7
	305,318	9	7			
	954,045	8	1¾			

(B.)—*Interest on* Exchequer Bills, *with the Payments made in the Year from the 5th Jan.* 1807 *to 5th January* 1808.

		£.	s.	d.
There remained Interest on Exchequer Bills unclaimed on the 5th January 1807		23	3	6½
Charge for Interest	On £.200,000—at 5 per Cent. per Ann. from 28th March 1807 to 25th Dec. following	7,479	9	0
	£.200,000—at - - - - Ditto - - 29th September 1807 to Ditto	2,410	19	2
		9,913	11	8½
Deduct Interest unclaimed on the 5th January 1808		23	3	6½
Total Payments for Interest on Exchequer Bills, in the Year to the 5th January 1808		£. 9,890	8	2

(C.)—*Payments made in the Year ending 5th January* 1808, *for Purposes appointed by the Parliament of* Ireland *prior to the Union, &c.*

	£.	s.	d.
For Lottery Prizes	353	0	0
Discount on Prompt Payment of Loan Deposits, &c.	12,577	3	11
Repayment of Fines levied in Parishes for Deficiencies in their Proportion of Men for the Army of Reserve	4,560	1	4½
	£. 17,490	5	3½

(D.)—*Payments made from the* FUNDS *appropriated for local Purposes in* IRELAND, *from the 5th Jan.* 1807 *to the 5th Jan.* 1808.

	£.	s.	d.
Linen and Hempen Manufacture	2,755	4	9
Lagan Navigation	1,413	8	1
Improving Dublin	8,696	2	2
Inns of Courts	929	10	0
Royal Exchange and Commercial Buildings	1,315	17	0
	£. 15,110	2	0

(E.)—*Payments in the Year to the 5th Jan.* 1808, *under the several Heads of Civil List, Pensions, and other Permanent Charges.*

	£.	s.	d.			
Arrear on the Civil List on the 5th January 1807	39,395	15	6¾			
Charge for Ditto, for One Year to 25th December 1807	145,000	0	0			
	184,395	15	6¾			
Deduct Arrear on the 5th January 1808	34,753	12	6¾			
Issues to the Civil List in One Year to the 5th January 1808	-	-	-	149,642	3	0
Pensions	-	-	-	89,639	6	2½
Other Permanent Charges; viz.						
Public Infirmaries	3,425	0	0			
Public Coal Yards	524	18	11½			
Army Baggage	17,418	6	9¾			
Police Establishment	15,930	1	6½			
Inspector General of Prisons	200	0	0			
Transportation of Felons	1,215	5	2			
Fees on Auditing Treasury Accounts	888	13	2¼			
Impress Office	2,600	0	0			
Secret Service in detecting Treasonable Conspiracies	7,216	9	9½			
Annuities and Compensation Allowances	106,457	9	2½			
Judges additional Salaries, &c.	30,769	16	1¾			
Commission of Enquiry	1,350	0	0			
Board of Education	281	17	11			
Lottery Expences	335	0	3			
				188,612	18	11¾
			£.	427,894	8	2¼

(F. 1.)—*Amount of* BOUNTIES *paid out of the Public Revenue, in the Year ending the 5th Jan.* 1808, *being Payments in the Nature of Anticipation of Exchequer Receipt.*

	£.	s.	d.
On Linen Exported	11,184	0	10
Fishing Vessels	7,028	0	0
Bark imported	6,111	3	9½
Irish Coals brought Coastways to Dublin	51	4	0
Irish cured Fish exported	146	1	5½
Irish Fish Oil exported	56	19	2
Fish imported	1,196	6	6
Corn exported	166	5	0
To Distillers	101,121	2	8¾
Spirit Retailers	224	0	8
	£. 127,285	4	1¾

(F. 2.)—*Amount of Payments to the* MILITIA, ARMY OF RESERVE, DESERTERS' WARRANTS, *&c. in the Year ended 5th January* 1808.

	£.	s.	d.
Militia	58,814	8	1
Army of Reserve	7,718	8	9
Deserters' Warrants	842	0	0
Fortification Compensation	918	12	0
Compensation to Revenue Collectors in lieu of Fees on Licences	8,592	13	4
	£. 76,886	2	2

(G.)—*Monies paid to the Office of* ORDNANCE, *in the Year to the 5th January* 1808.

	£.	s.	d.
Payments to the Ordnance for the Grant of 1807	£. 519,184	4	6½

(H.)—*Monies paid on Account of his Majesty's Forces in* IRELAND, *in the Year ending the 5th January* 1808.

	£.	s.	d.	£.	s.	d.
Regiments of the Line	1,262,530	0	0¾			
Militia	881,835	9	0			
Volunteer Corps	268,073	12	6			
Military Hospitals	9,773	14	2¼			
Royal Military Infirmary	3,288	11	6¼			
Officiating and Retired Chaplains	2,033	6	11¾			
				2,427,534	14	3
Barracks				371,134	0	3
Staff Officers and Officers of Garrisons				68,303	5	4½
Half Pay, Supernumerary, and Retired Officers				25,787	6	0¼
Officers' Widows				4,628	15	5¼
Royal Hospital, Kilmainham				40,315	13	4¾
Public Officers, their Deputies, Clerks, and Incidental Expences				9,466	14	8¼
				2,947,170	9	5
Extraordinary Service				463,524	5	2½
			£.	3,410,694	14	7½

(I.)—*Payments in the Year ending the 5th January* 1808, *for* MISCELLANEOUS SERVICES.

	£.	s.	d.
Public Officers for several Services	1,780	0	0
Public Hospitals and Schools	130,776	0	0
Miscellaneous Services	145,443	2	8
Public Boards	58,100	0	0
Commissioners for Paving, &c. the Streets of Dublin	137,000	0	0
Improving the Harbour on the North Side of the Hill of Howth, near Dublin	4,000	0	0
Inland Navigations	35,098	11	6
	£. 512,197	14	2

(K.)—*Amount of Payments from the* VOTE *of* CREDIT *in the Year ending 5th Jan.* 1808.

	£.	s.	d.
Amount of Payments from the Vote of Credit	£. 90,455	6	5¾

VI. PUBLIC FUNDED DEBT.

PUBLIC FUNDED DEBT, *as the same stood on the 5th January* 1808.

	British Currency.			Irish Currency.		
	£.	s.	d.	£.	s.	d.
Sums raised	49,618,318	16	3			
PAYABLE IN DUBLIN:						
£.3. 10*s.* per Cent. per Annum				5,668,472	17	1
£.4 per Cent. per Annum				227,600	0	0
£.5 per Cent. per Annum				11,625,450	11	3
PAYABLE IN LONDON:						
£.5 per Cent. per Annum	1,900,000	0	0	2,058,333	6	8
£.3 per Cent. Consolidated Annuities	30,099,625	0	0	32,607,927	1	8
£.3 per Cent. Reduced Annuities	16,028,750	0	0	17,364,479	3	4
£.3 per Cent. Consolidated Annuities, from 5th January 1808	139,250	0	0	150,854	3	4
£.4 per Cent. Consolidated Annuities	300,000	0	0	325,000	0	0
£.5 per Cent. Consolidated Navy Annuities	572,000	0	0	619,666	13	4
Annual Interest	2,434,845	5	4			
Annuities on Lives or Terms of Years	217,626	14	2			
Charge of Management	31,788	0	8¾			
ANNUAL CHARGE FOR REDUCTION OF NATIONAL DEBT:						
Pursuant to Act of 37 Geo. III. for Redemption of Debt then existing	69,885	8	4			
By Acts providing 1 per Cent. for Redemption of Debts created since 1797	655,847	4	0			
Total of Annual Expences	3,409,992	13	3¾			
Total Principal of Funded Debt, on the 5th January 1808				70,647,783	16	8

An Account of the Progress made in the REDUCTION *of the* PUBLIC FUNDED DEBT *of* IRELAND, *to the 5th of January* 1808.

	£.	s.	d.
Stock redeemed by Sinking Fund	2,492,288	7	7
Total Sums Paid	2,090,664	12	8½
SUMS Annually applicable in Ireland to the REDUCTION of the NATIONAL DEBT.			
Annual Income of Loans	206,222	11	1
Annual Interest on Stock Redeemed	113,212	18	3

At the Establishment of the Sinking Fund, £.100,000 per Annum was granted for the then existing Debts;— £.32,364. 11*s.* 8*d.* of which was appropriated to the Reduction of Money borrowed for Ireland, by the Government of Great Britain, in the year 1797; and £.67,635. 8*s.* 4*d.* with £.2,250 per Annum expired Annuities which fell in afterwards, to Remainder of the Debt due by Ireland, prior to the year 1797, without any Reference to the Amount.

The Money borrowed for Ireland by the Government of Great Britain is not included in the above Statement, being settled for in England by the Lords of the Treasury of Ireland, and can only be procured from the Commissioners for reducing the National Debt of England.

VII.—UNFUNDED DEBT.

An Account of the UNFUNDED DEBT *and* DEMANDS OUTSTANDING *on the 5th Day of January* 1808.

	£.	s.	d.	£.	s.	d.
LOAN DEBENTURES:						
Residue of Debentures bearing 4 per Cent. Interest to the Year 1788, provided for by 27 and 28 Geo. III. but not claimed by the Proprietors; viz						
Old Loan	275	0	0			
Loan by Lottery 1780	1,220	0	0			
Loan by Lottery 1781	730	0	0			
				(a) 2,225	0	0
EXCHEQUER BILLS:						
Outstanding Exchequer Bills, provided for by several Acts of Parliament, but not claimed by the Proprietors:						
Payable 24 June 1783	8	6	8			
- - - - Ditto 1790	50	0	0			
- - - - Ditto 1791	100	0	0			
- - - - Ditto 1795	300	0	0			
- - - - Ditto 1801	50	0	0			
- - - - Ditto 1803	150	0	0			
				(a) 658	6	8
Exchequer Bills not in course of Payment till after the 5th January 1808, part of £.1,000,000 by 47 Geo. III. c. 10.—						
Payable on or before 28 March 1808	200,000	0	0			
- - - - - - 29 September 1808	200,000	0	0			
				(b) 400,000	0	0
LOTTERY PRIZES:						
Outstanding Lottery Prizes of the several Lotteries from 1782 to 1801				(a) 26,674	0	0
Total				£. 429,557	6	8

(a) Provision has been made for these Sums by several Acts of Parliament.
(b) To be provided for.

VIII.—DISPOSITION OF GRANTS.

An Account, shewing how the MONIES, *granted for the* SERVICE *of the Year* 1807, *have been disposed of; so far as relates to* IRELAND.

SERVICES.	SUMS Granted.			SUMS Paid.			REMAINS.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
FORCES.									
Army, with Garrisons and their Incidents (1,078,362. 7. 5. British, part of 4,051,623. 0. 6. Br.)	1,168,225	18	1						
Foreign Corps (243,792. 2. 6. Br. part of 832,540 19. 9. Br.)	264,108	2	8½						
Allowance to Non-commissioned Officers and Private men of the Regulars, for small beer, and while on a march (69,428. 11. 11½. Br. part of 467,273. 3. 11. Br.)	75,214	6	3½						
Recruiting and Contingencies (124,481. 15. 3. Br. part of 277,249. 0. 10. Br.)	134,855	4	10½						
				1,268,528	14	10¼	373,874	17	1¼

	SUMS Granted.			SUMS Paid.			REMAINS.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Militia, Pay, &c. (849,081. 7. 7. Br. part of 2,493,644. 7. 5. Br.)	919,838	3	3						
Allowance to Non-commissioned Officers and Private men for small beer, and while on a march, (57,844. 11. 11½. Br. a further part of 467,273. 3. 11. Br.)	62,664	19	7½						
Contingencies (22,153. 17. 0. Br. part of (62,153. 17. 0. Br.)	24,000	0	0						
				881,835	9	0	124,667	13	10½
Volunteer Corps, (830,301. 4. 8. Br. part of 1,490,301. 4. 8. Br.)	899,493	0	0	268,073	12	6	631,419	7	6
General and Staff Officers, and Officers of the Hospitals, serving with the Forces (57,594. 14. 0. Br. part of 190,529. 17. 6. Br.)	62,394	5	2	62,304	10	7	89	14	7
Full-pay to Supernumerary Officers of His Majesty's Forces, (1,029. 19. 5. part of 34,418. 11. 0. Br.)	1,115	16	1	986	12	6	129	3	7
The principal Officers of several public Departments, their Deputies, Clerks, and Contingent Expences (8,897. 6. 6. Br. part of 221,200. 18. 5. Br.)	9,638	15	4½	9,466	14	8¾	172	0	8¼
Half-Pay to Reduced Officers of his Majesty's Land Forces, (26,982. 1. 9. Br. part of 186,982. 1. 9. Br.)	29,230	11	11	24,482	4	8	4,748	7	3
Military Allowances to Reduced Officers of His Majesty's Land Forces (533. 1. 2. Br. part of 5,533. 1. 2. Br.)	577	9	7	318	8	10¼	259	0	8¾
In and Out Pensioners of the Royal Hospital near Kilmainham, and Expences of said Hospital (46,977. 9. 4. Br. part of 406,383. 7. 5. Br.)	50,892	5	1½	40,315	13	4¾	10,576	11	8¾
Pensions to Widows of Officers of the Land Forces, and expences attending the same (6,000 0. 0. Br. part of 43,258. 7. 6. Br.)	6,500	0	0	4,628	15	5¼	1,871	4	6¾
General Hospital Expences of His Majesty's Forces in Ireland, including Medicaments, for General and Regimental Hospitals, and the Charge of the Royal Military Infirmary, Dublin, for Sick and Wounded Soldiers (18,461. 10. 10. Br.)	20,000	0	0	13,062	5	8½	6,937	14	3
Retired and Officiating Chaplains of His Majesty's Forces (3,208. 15. 11. Br. part of 18,208. 15. 11. Br.)	3,476	3	11	2,033	6	11¾	1,442	16	11¼
Barrack Department in Ireland (469,450. 12. 6. Br.)	508,571	10	2½	371,134	0	3	137,437	9	11½
Extraordinary Services of the Army in Ireland (600,000. 0. 0. Br.)	650,000	0	0	463,524	5	2½	186,475	14	9½
ORDNANCE:									
Office of Ordnance in Ireland, for the Year 1807 (479,246. 19. 7. Br.)	519,184	4	6½	519,184	4	6½			
PUBLIC OFFICERS for several SERVICES:									
S. Moore, esq. Acc. Gen. for his extraordinary trouble and Expence in preparing and stating the Public Accounts of Ireland, laid before Parliament, in 1807	340	0	0	340	0	0			
J. Smart, esq. Dep. Acc. Gen. for his extraordinary trouble in preparing the Public Accounts of Ireland, for the year ending 5th Jan. 1807	240	0	0	240	0	0			
P. Le Bas, esq. Examinator of Corn Bounties, for his trouble in keeping the Accounts of said Office	200	0	0	200	0	0			
R. Marshall, esq. Inspector Gen. of Imports and Exports, for his expence and trouble in preparing the Accounts of the Imports and Exports of Ireland, for Parliament, for one year ending 5th Jan. 1807	250	0	0	250	0	0			

	SUMS Granted.			SUMS Paid.			REMAINS.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Hugh B. Hautenville, esq. First Clerk in the Office of the Inspector General of Imports and Exports in Ireland, for his extraordinary trouble in preparing Accounts for Parliament	200	0	0	200	0	0			
Geo. Hatton, esq. Examinator of Excise, for his extraordinary trouble and expence in preparing Accounts for Parliament	200	0	0	200	0	0			
Sam. Hood, esq. Assistant Examinator of Excise, for his extraordinary trouble in preparing Accounts for Parliament	150	0	0	150	0	0			
Tho. Haffield, esq. Clerk in the Office of the Auditor of the Exchequer, for his extraordinary trouble in preparing Accounts for Parliament	200	0	0	200	0	0			
MISCELLANEOUS SERVICES, from 5th Jan. 1807 to 5th Jan. 1808.									
Expence of Civil Buildings	25,000	0	0	25,000	0	0			
Expence of Printing and Binding 250 copies of the Acts of the 47th of his present Majesty	1,200	0	0	1,058	16	11½	141	3	0½
Expence of publishing Proclamations and Advertisements in the Dublin Gazette, and other Newspapers	10,500	0	0	10,500	0	0			
Charge of Printing, Stationary, and other Disbursements of the Chief and Under Secretaries Offices and Apartments, and other Public Offices, in Dublin Castle, &c. and for the Riding charges and other expences of the Deputy Pursuivants and extra Messengers attending said Offices	21,208	0	0	21,208	0	0			
Expence of Criminal Prosecutions, and other Law Expences of Government	25,000	0	0	25,000	0	0			
Expence of apprehending Public Offenders in Ireland	2,500	0	0	1,925	17	5½	574	2	6½
Support of the Non-conforming Ministers in Ireland	9,429	18	0	9,429	18	0			
Expence of Pratique, in the Port of Dublin	1,047	10	2	1,047	10	2			
Expenditure at His Majesty's Gold Mine at Croaghan, in the County of Wicklow	600	0	0	600	0	0			
Charge of Incidents of the Treasury in Ireland	6,000	0	0	6,000	0	0			
Charge for Clothing His Majesty's Heralds, Pursuivants at Arms, and State Trumpeters, for 3 years, from the 17th March 1807	1,086	0	0	1,086	0	0			
Charge of Clothing the Battle-Axe Guards, for 18 months, commencing 1st June 1807	740	0	0	740	0	0			
To enable His Majesty to make some allowance to the Commissioners appointed to enquire into the Fees, Gratuities, Perquisites, and Emoluments received in certain Public Offices in Ireland (22,500 British)	24,375	0	0	24,375	0	0			
Expence attending the several Commissions for taking and receiving Evidence in Petitions against Returns to Parliament, in the Year 1807	3,408	0	0	3,408	0	0			
Salaries of the Commissioners for granting Lottery Licences, their Secretary and Clerks, and the Comptroller and Inspector of Lottery Offices in Ireland, for two years to 24 June 1807, and for paying the Salaries of the Commissioners for certifying Outstanding Lottery Prizes, for 22 Months ending 24 June 1807	6,330	0	0	6,292	4	1	37	15	11
Erection and Completion of a Pier in Dundrum Bay on the Coast of the County of Down	7,771	16	0	7,771	16	0			

	SUMS Granted.			SUMS Paid.			REMAINS.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
PUBLIC BOARDS, from 5th Jan. 1807, to 5th Jan. 1808.									
The Trustees of the Linen and Hempen Manufactures, for one year to the 5th January 1807	21,600	0	0	21,600	0	0			
The Board of First Fruits; for building new Churches, and re-building old Churches, in such Parishes as no Public Service has been performed in for 20 years past, and for the encouragement of building Glebe Houses	5,000	0	0	5,000	0	0			
The Dublin Society, for promoting Husbandry and other useful Arts in Ireland, £. 2,000. whereof to be applied in Aid of the Funds of the Institution at Cork, for the Application of Science to the common Purposes of Life, and the remaining £.10,000 for completing additional Buildings, supporting the Botanic Gardens, promoting Husbandry and useful Arts, and the other objects of said society	12,000	0	0	12,000	0	0			
Expence of the Farming Society of Ireland	5,000	0	0	5,000	0	0			
Paving, Cleansing, and Lighting the Streets of Dublin	10,000	0	0	10,000	0	0			
Commissioners for making wide and convenient Streets in Dublin	4,500	0	0	4,500	0	0			
PUBLIC HOSPITALS and SCHOOLS from 5th Jan. 1807, to 5th Jan. 1808.									
Charge of the incorporated Society in Dublin, for promiting English Protestant Schools in Ireland	23,270	0	0	23,270	0	0			
Expence of the Foundling Hospital in Dublin	22,500	0	0	22,500	0	0			
Charge of the Hibernian Marine Society in Dublin	1,609	0	0	1,609	0	0			
Expence of the Hibernian School for Soldiers Children	11,626	0	0	11,626	0	0			
Charge of the Female Orphan House near Dublin	1,306	0	0	1,306	0	0			
Expences incurred by the Association for discountenancing Vice, and promoting the Knowledge and Practice of the Christian Religion	1,262	0	0	1,262	0	0			
Towards supporting the Westmorland Lock Hospital in Dublin	7,957	0	0	7,957	0	0			
Towards the Charge of supporting the House of Industry and Penitentiary in Dublin	25,997	0	0	25,997	0	0			
Expence of maintaining 80 Patients in the House of Recovery and Fever Hospital in Cork Street Dublin	3,092	0	0	3,092	0	0			
Charge of the Lying-in Hospital, Dublin	2,533	0	0	2,533	0	0			
Charge of the Office of the Commissioners of Charitable Donations and Bequests	400	0	0	400	0	0			
Charge of the Roman Catholic Seminary in Ireland	13,000	0	0	13,000	0	0			
Towards defraying the Expence of Dr. Stevens's Hospital	503	0	0	503	0	0			
Expence of building the intended Hall for the Royal College of Surgeons in Ireland	9,517	0	0	9,517	0	0			
For finishing Sir Patrick Dunn's Hospital, and defraying the Expence of a temporary Establishment and maintenance of Patients	6,204	0	0	6,204	0	0			
To the Commissioners for paving the Streets of Dublin	137,000	0	0	137,000	0	0			
£.	5,883,833	0	11	4,402,978	1	10	1,480,854	19	1

END OF THE FINANCE ACCOUNTS FOR 1808.

An Account of all EXEMPTIONS *granted to* FOREIGNERS, *in respect of the* DUTY *on* DIVIDENDS *in the various* FUNDS *of Great Britain, and on the* DIVIDENDS *of the East India and South Sea Companies, under the* PROPERTY TAX, *for the year ending 5th April,* 1808.

Exemptions on Dividends, payable on the 5th July 1807.

	PRINCIPAL.			DIVIDEND.			DUTY.		
	£.	s.	d.	£.	s.	d	£.	s.	d.
3-per-Cent. Consolidated Annuities	11,987,705	1	1	179,805	4	10	17,980	0	9
East India Stock	468,165	13	10	24,578	5	3	2,457	12	2
South Sea Stock	1,158,329	1	3	20,270	12	1	2,026	16	10
New South Sea Annuities	528,262	14	11	7,923	12	6	792	2	7
5-per-Cent. Navy Annuities	220,640	13	1	5,511	9	5	550	18	3
Irish Tontine	8,020	12	4	4,010	6	2	400	18	4
South Sea Annuities 1751	165,419	12	5	2,481	5	7	247	19	9
3-per-Cent. Annuities 1726	87,241	12	10	1,308	12	2	130	15	8
3-per-Cent. Imperial Annuities	76,176	19	0	1,142	13	0	114	2	10
Exchequer Annuities	2,057	10	0	1,028	15	0	102	17	6
Imperial Annuities	1,152	3	0	576	1	6	57	12	1
				248,637	17	6	24,861	16	9

Exemptions on Dividends, payable on the 5th January 1808:

	£.	s.	d.	£.	s.	d.	£.	s.	d.
3-per-Cent. Consolidated Annuities	11,210,757	19	0	168,160	15	9	16,815	11	8
East India Stock	436,608	11	0	22,921	18	0	2,291	17	8
South Sea Stock	1,111,928	12	4	19,458	12	11	1,945	13	4
New South Sea Annuities	513,803	9	6	7,706	18	8	770	10	4
5-per-Cent. Navy Annuities	185,521	15	11	4,637	18	7	463	2	5
South Sea Annuities, 1751	155,768	4	0	2,336	9	11	233	12	0
3-per-Cent Annuities, 1726	82,825	13	1	1,242	7	5	124	3	2
3-per-Cent. Imperial Annuities	74,078	11	9	1,111	3	6	111	2	1
Imperial Annuities	1,237	2	0	618	11	0	61	17	1
Irish Tontine	235	17	6	117	13	9	11	15	3
Exchequer Annuities	19	0	0	9	10	0	0	19	0
				228,321	19	6	22,830	4	0

Exemptions on Dividends, payable on 10th October 1807:

	£.	s.	d.	£.	s.	d.	£.	s.	d.
3-per-Cent. Reduced Annuities	2,193,280	9	3	32,898	15	8	3,289	8	8
4-per-Cent. Annuities	821,314	11	10	16,426	3	6	1,642	9	1
Old South Sea Annuities	512,949	2	10	7,694	3	3	769	5	0
Long Annuities	6,174	2	6	3,087	0	11	308	8	9
Short Annuities	4,631	19	5	2,315	19	8	231	11	4
Irish 5-per-Cent. Annuities	61,200	0	0	1,530	0	0	153	0	0
5-per-Cent. Annuities, 1797	35,056	4	3	876	9	6	87	7	11
Irish Annuities	330	18	10	165	10	5	16	10	9
Exchequer Annuities	4	15	0	2	7	6	0	4	9
				64,996	10	5	6,498	6	3

Exemptions on Dividends, payable on 5th April 1808:

	£.	s.	d.	£.	s.	d.	£.	s.	d.
3-per-Cent. Reduced Annuities	2,023,599	7	0	30,353	15	8	3,034	19	10
4-per-Cent. Annuities	724,011	17	2	14,479	13	3	1,447	17	2
Old South Sea Annuities	495,207	5	8	7,427	19	9	742	13	9
Long Annuities	4,932	15	7	2,466	7	6	246	8	1
Irish 5-per-Cent. Annuities	50,170	0	0	1,254	5	0	125	8	6
Short Annuities	3,962	11	4	990	12	10	99	0	6
5-per-Cent. Annuities, 1797	33,084	14	11	827	1	5	82	10	10
Irish Annuities	331	0	8	165	10	4	16	10	9
Exchequer Annuities	—			—			—		
				57,965	5	9	5,795	9	5

Total Amount of Exemptions on Dividends in each Quarter,

		£.	s.	d.	£.	s.	d.
5th July	1807	24,861	16	9	59,985	16	5
5th January	1808	22,830	4	0			
10th October	1807	6,498	6	3			
5th April	1808	5,795	9	5			

LIST OF PUBLIC ACTS,

Passed in the Second Session of the Fourth Parliament of the United Kingdom of Great Britain and Ireland.—48th of George III.

CAP. 1. AN act for regulating the issuing and paying off of Exchequer Bills.

2. An act for continuing to his majesty certain duties on Malt, Sugar, Tobacco, and Snuff, in Great Britain; and on Pensions and Offices in England; and for repealing so much of certain acts as relate to certain duties of Sixpence and One Shilling respectively on Offices and Pensions; and for regranting the said duties of Sixpence and One Shilling respectively, and the said other duties, for the service of the year 1808.

3. An act for empowering the Governor and Company of the Bank of England to advance the sum of Three Millions, towards the Supply for the service of the year 1808.

4. An act to authorize the advancing, for the public service, upon certain conditions, a proportion of the Balance remaining in the Bank of England for payment of Unclaimed Dividends, Annuities, and Lottery Prizes; and for regulating the allowances to be paid for the management of the National Debt.

5. An act for repealing an act made in the 47th year of his present majesty, intituled, 'An act for suspending the operation of an 'act of the 36th year of his present majesty, 'for the further Support and Maintenance 'of Curates within the Church of England, 'and for other purposes in the said act men'tioned, so far as relates to the avoidance 'of benefices by the incumbents thereof 'having accepted augmented curacies.'

6. An act to continue, until the end of this session of parliament, several acts for carrying into execution the Treaty of Amity, Commerce, and Navigation, between his majesty and the united states of America.

7. An act for raising the sum of 10,500,000*l.* by exchequer bills, for the service of Great Britain for the year 1808.

8. An act to amend an act of the 25th year of his present majesty, for better regulating the office of the Treasurer of his majesty's Navy.

9. An act for abolishing the office of Surveyor of Subsidies and Petty Customs in the port of London.

10. An act to amend so much of an act, made in the 46th year of his present majesty, for granting certain duties on Spirits made in Scotland, as relates to delivering up the licences granted for distilling spirits in the Lowlands of Scotland, and for better preventing Private Distillation.

11. An act for permitting the Importation of Goods from the Portuguese territories on the continent of South America, in Portuguese ships.

12. An act to amend and continue, until the 25th of March 1809, so much of an act of the 47th year of his present majesty as allows certain Bounties on British Plantation Raw Sugar exported.

13. An act for settling and securing a certain Annuity on viscount Lake, and the two next persons to whom the title of viscount Lake shall descend, in consideration of the eminent services of the late general visc. Lake.

14. An act for the regulation of his majesty's Royal Marine Forces while on shore.

15. An act for punishing Mutiny and Desertion; and for the better payment of the Army and their Quarters.

16. An act for further continuing, until the 25th of March 1809, certain Bounties and Drawbacks on the exportation of Sugar from Great Britain; and for suspending the countervailing duties and bounties on Sugar when the duties imposed by an act of the last session of parliament shall be suspended.

17. An act to continue, until the 25th of March 1809, certain acts for regulating the Drawbacks and Bounties on the exportation of Sugar from Ireland, and allowing British Plantation Sugar to be warehoused in Ireland; and for warehousing in Ireland Rum or Spirits of the British sugar plantations.

18. An act for amending and further continuing an act made in the 38th year of his present majesty, for regulating the payment of the duties on Cinnamon, Cloves, Nutmegs, and Mace.

19. An act to continue, until the 25th of March 1810, an act made in the 46th year of his present majesty, for permitting the importation of Masts, Yards, Bowsprits, and Timber, for naval purposes, from the British colonies in North America, duty free.

20. An act to continue, until the 25th of March 1810, several laws relating to the encouragement of the Greenland Whale Fisheries; to the admission to entry in Great Britain of Oil and Blubber of Newfoundland

taken by his majesty's subjects carrying on the fishery from and residing in the said island; and to the allowing the importation of Fish from Newfoundland and the coast of Labrador.

21. An act to empower the Commissioners appointed for distributing the money paid by the united states of America, to withdraw the same from the Bank, and invest it in exchequer bills.

22. An act for making perpetual several laws relating to permitting the exportation of Tobacco Pipe Clay from Great Britain to the British Sugar colonies in the West Indies; the importation of Salt from Europe into Quebec in America; and the prohibiting of foreign-wrought Silks and Velvets.

23. An act to continue several laws relating to the granting a Bounty on the importation into Great Britain of Hemp, and rough and undressed Flax, from his majesty's colonies in America; and to the more effectually encouraging the manufacture of Flax and Cotton in Great Britain until the 25th of March 1810; and for granting a Bounty upon certain species of British and Irish Linens exported from Great Britain, and taking off the duties on importation into Great Britain of foreign Raw Linen Yarns made of Flax, until the 25th of March 1811.

24. An act for further continuing, until three months after the ratification of a definitive treaty of peace, an act made in the 44th year of his present majesty, for permitting the importation into Great Britain, of Hides and other articles in foreign ships.

25. An act for further continuing until the 25th of July 1809, an act made in the 33d year of his present majesty, for rendering the payment of Creditors more equal and expeditious in Scotland.

26. An act for granting to his majesty, until the end of the next session of parliament, Duties of Customs on the goods, wares, and merchandize therein enumerated, in furtherance of the provisions of certain Orders in Council.

27. An act to continue until the 25th of March 1809, an act of the 41st year of his present majesty, for prohibiting the exportation from Ireland, and for permitting the importation into Ireland, duty free, of Corn and other Provisions.

28. An act for granting to his majesty, until the end of the next session of parliament, certain Duties on the exportation from Ireland of goods, wares, and merchandize therein enumerated.

29. An act to prohibit, until the end of the next session of parliament, the exportation of Jesuits Bark and Cotton Wool from Ireland.

30. An act to amend an act made in the parliament of Ireland, in the 33d year of his present majesty, for regulating the Trade of Ireland to and from the East Indies.

31. An act to extend the provisions of an act, made in the 45th year of his present majesty's reign, for preventing the counterfeiting of certain Silver Tokens to certain other Tokens which may be issued by the governor and company of the Bank of Ireland, and to promote the circulation of the said last-mentioned tokens.

32. An act to permit certain Goods imported into Ireland to be warehoused or secured, without the duties due on the importation thereof being first paid.

33. An act to prohibit, until the end of the next session of parliament, the exportation of Jesuits Bark from Great Britain.

34. An act to prohibit, until the end of the next session of parliament, the exportation of Cotton Wool, from Great Britain.

35. An act for imposing, until the end of the next session of parliament, a duty on Cotton Wool, the growth of the British colonies, exported from Great Britain.

36. An act for further continuing, until the 24th of June 1809, an act of the 46th year of his present majesty, for altering and amending several laws relating to the Duties of Excise upon Malt.

37. An act for making valid certain Orders in Council, and Warrants of the Commissioners of the Treasury, for the entry and warehousing of certain goods imported in Neutral Vessels, and for indemnifying all persons concerned therein; for the remitting of Forfeitures in certain cases; and for enabling his majesty to allow, during the continuance of hostilities, and until two months after the commencement of the next session of parliament, the importation of goods from countries from which the British flag is excluded, in any vessels whatever.

38. An act for granting Annuities to satisfy certain exchequer bills.

39. An act for increasing the rates of Subsistence to be paid to inn-keepers and others on quartering Soldiers.

40. An act to indemnify such persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments; and for extending the times limited for those purposes respectively, until the 25th of March 1809, and to permit such persons in Great Britain as have omitted to make and file affidavits of the execution of indentures of Clerks to attornies and solicitors, to make and file the same on or before the 1st day of Hilary term 1809.

41. An act to repeal certain duties of Excise in Ireland, and to grant certain Stamp Duties in lieu thereof; and also certain other Stamp Duties; and to amend the laws relating to the Stamp Duties in Ireland.

42. An act to grant to his majesty certain duties and taxes in Ireland, in respect of Carriages, Dogs, Fire Hearths, Horses, Male Servants, and Windows, in lieu of former duties and taxes, in respect of the like articles.

43. An act to suspend until the 11th of June 1808, the payments on all Drawbacks on Spirits made or distilled in Great Britain or Ireland, and exported from either country to the other respectively.

44. An act to prevent the exportation of Wool to Ireland, before bond given for the due landing thereof.

45. An act for defraying until the 25th of March 1809, the charge of the Pay and Cloathing of the Militia of Ireland; for holding courts martial on serjeant majors, serjeants, corporals, and drummers, for offences committed during the time such militia shall not be embodied; and for making allowances in certain cases to subaltern officers of the said militia during peace.

46. An act for defraying the charge of the Pay and Cloathing of the Militia in Great Britain for the year 1808.

47. An act for quieting possessions and confirming defective Titles in Ireland, and limiting the right of the crown to sue in manner therein mentioned; and for the relief of Incumbents in respect of Arrears due to the crown during the incumbency of their predecessors.

48. An act to enable his majesty's Post Master General of Ireland to purchase premisses for the enlargement of the General Post Office in the city of Dublin.

49. An act for accelerating the making up, examination, and audit, of the Accounts of the Paymaster General of his majesty's Forces.

50. An act to suspend the granting of Offices in Reversion, or for joint lives with benefit of survivorship, for one year after the passing of this act, and from thence until six weeks after the commencement of the then next session of parliament.

51. An act for making Allowances in certain cases to subaltern officers of the Militia in Great Britain, while disembodied.

52. An act to revive and continue, until the 25th of March 1809, and amend so much of an act, made in the 39th and 40th years of his present majesty, as grants certain Allowances to Adjutants and Serjeant-Majors of the Militia of England, disembodied under an act of the same session of parliament.

53. An act for raising the sum of Three Millions by Exchequer Bills, for the service of Great Britain for the year 1808.

54. An act for raising the sum of 1,500,000*l*. by Exchequer Bills, for the service of Great Britain for the year 1808.

55. An act for repealing the duties of Assessed Taxes, and granting new duties in lieu thereof, and certain additional duties to be consolidated therewith; and also for repealing the Stamp Duties on Game Certificates, and granting new duties in lieu thereof, to be placed under the management of the commissioners for the affairs of Taxes.

56. An act for abolishing Fees received by Officers in the service of the Customs in the several ports of Ireland, and for regulating the hours of attendance and the number of holydays to be observed by the said Officers and certain officers of Excise.

57. An act for increasing the duty on Corks ready-made, imported into Great Britain.

58. An act for amending the law with regard to the course of proceeding on Indictments and Informations in the court of King's Bench in certain cases: for authorizing the execution in Scotland of certain Warrants issued for offences committed in England; and for requiring officers taking bail in the king's suit to assign the bail bonds to the king.

59. An act for enabling his majesty to settle an Annuity on her royal highness the Duchess of Brunswick Wolfenbuttel.

60. An act for repealing an act passed in the 1st year of king James the 1st, intituled, 'An act concerning Tanners, Curriers, Shoemakers, and other Artificers occupying the 'cutting of Leather;' and also for repealing and amending certain parts of several other acts of parliament relating thereto.

61. An act to continue until the end of the next session of parliament, an act of the 45th year of his present majesty, for appointing Commissioners to enquire into the Public Expenditure, and the conduct of the public business in the Military departments therein mentioned.

62. An act for the making perpetual several acts for the better collection and security of the revenues of Customs and Excise in Ireland, and for preventing frauds therein; and to make further provision for the security of the said revenues, and for the execution of the several acts relating thereto.

63. An act to amend an act made in the 47th year of his present majesty's reign for securing the collection of the Duties on Auctions in Ireland.

64. An act to amend an act made in the 46th year of his present majesty, for enabling his majesty to accept the services of Volunteers from the Militia of Ireland.

65. An act to make more effectual provision for the building and rebuilding of Churches, Chapels, and Glebe Houses, and for the purchase of Glebe Lands, Glebe Houses, and Impropriations, in Ireland.

66. An act for enforcing the Residence of Spiritual Persons on their benefices in Ireland.

67. An act for granting an additional duty on Copper imported into Great Britain, until the 5th of April 1811, and from thence to the end of the then next session of parliament.

68. An act for extending the Bounty now payable on Pilchards exported to the West Indies or Mediterranean to Pilchards exported to any parts beyond the seas.

69. An act to permit, until the 25th of March 1810, Sugar and Coffee to be exported from his majesty's colonies or Plantations to any port in Europe to the southward of Cape

Finisterre, and Corn to be imported from such port and from the coast of Africa into the said colonies and plantations.

70. An act to provide that British ships which shall be captured by the enemy, and shall afterwards become the property of British subjects, shall not be entitled to the privilege of British ships.

71. An act to amend so much of two acts of this session of parliament, for carrying into execution certain Orders in Council, as relates to the duties on Goods exported from the warehouses in which they have been secured on importation, and on certain Prize Goods imported into Great Britain or Ireland.

72. An act for the increase and preservation of Timber in Dean and New Forests.

73. An act to improve the Land Revenue of the Crown in England, and also of his majesty's duchy of Lancaster.

74. An act for the better collection of the Duties on Malt made in Great Britain.

75. An act for providing suitable Interment in church-yards or parochial burying grounds in England, for such dead human Bodies as may be cast on shore from the sea, in cases of wreck or otherwise.

76. An act for raising the sum of 10,500,000*l.* by way of Annuities.

77. An act to enable his majesty to vest the right of appointment of Master of the Free School of Londonderry in the city and county of Londonderry, in the bishop of Derry for the time being.

78. An act to grant to his majesty duties upon Malt made in Ireland, and upon Spirits made or distilled in Ireland; and to allow certain Drawbacks on the Exportation thereof.

79. An act to amend the two acts for the collecting of the Malt Duties in Ireland, and regulating the trade of a Maltster.

80. An act to continue until the 5th of July 1809, and to amend, several acts for granting certain Rates and Duties, and for allowing certain Drawbacks and Bounties on Goods, Wares, and Merchandize imported into and exported from Ireland; and to grant new duties on the importation of East India Sugar and Foreign Spirits; and to reduce the Duty on British Plantation Coffee imported.

81. An act to amend the several acts for the regulating and securing the collection of the Duty on Spirits distilled in Ireland.

82. An act to make perpetual and to amend several acts for the better regulating the issuing and granting of Permits and Certificates, for the conveyance and protection of certain exciseable goods in Ireland.

83. An act for raising the sum of 750,000*l.* by way of Annuities for the service of Ireland.

84. An act for amending and rendering more effectual an act, passed in the last session of parliament, to make more effectual provision for the prevention of Smuggling, and for regulating the periods for cancelling and delivering up certain Bonds relating to the revenue of Customs.

85. An act to regulate the Trade between Great Britain and the united states of America until the end of the next session of parliament.

86. An act to revive and continue until the 25th of March 1809, an act of the 39th year of his present majesty, for the more effectual encouragement of the British Fisheries.

87. An act for repealing the rates and taxes taken by licensed Hackney Coachmen, and for establishing others in lieu thereof; and for amending several laws relating to Hackney Coaches.

88. An act to restrain the negotiation of Promissory Notes and Inland Bills of Exchange, under a limited sum, in England.

89. An act for enabling the Commissioners appointed to examine Accounts of Public Expenditure in the Barrack Office, more speedily and effectually to investigate the said Accounts.

90. An act to enable the Commissioners for auditing Public Accounts, and the Commissioners for the Affairs of Barracks respectively, to send and receive letters and packets on the business of their offices free of postage.

91. An act for enabling the Commissioners appointed to examine Accounts of Public Expenditures in the West Indies, more speedily and effectually to investigate the said Accounts.

92. An act to repeal so much of an act, made in the 47th year of his present majesty, for charging the sum of 12,200,000*l.* raised for the service of Great Britain for the year 1807, upon the duties of Customs and Excise granted to his majesty, during the continuance of the present war, as relates to money issued for Charges of Management of Stock redeemed.

93. An act to repeal so much of an act of the 1st year of king James 1. as relates to the penalties on shooting at Hares; and also to repeal an act of the 3d year of king George I. relating to Game-keepers.

94. An act for repealing so much of an act made in the parliament of Scotland, in the fourth session of the first parliament of queen Anne, intituled, 'Act for preserving the Game,' as relates to the Shooting of Hares.

95. An act for continuing, until the 1st of August 1811, an act of the 45th year of his present majesty, for allowing, under certain restrictions, the bringing a limited quantity of Coals, Culm, or Cinders, to London and Westminster, by inland navigation.

96. An act for the better care and maintenance of Lunatics, being Paupers or Criminals in England.

97. An act to enable the Commissioners of his majesty's Treasury, to issue Exchequer Bills, on the credit of such aids or supplies as have

been or shall be granted by parliament for the service of Great Britain for the year 1808.

98. An act for letting to Farm the Duties on Horses hired by the mile or stage, to be used in travelling, and on horses hired for a less period of time than 28 days, for drawing carriages used in travelling post, or otherwise, in Great Britain, and for better securing the said Duties.

99. An act for depositing Prize Goods liable to duty in warehouses under the care of the officers of the Customs and Excise, and for reducing spirits condemned as prize to a proper strength, for home consumption.

100. An act for extending the provisions of an act made in the 47th year of his present majesty, so far as respects the payment of Prize Money arising from captures made by Foreign in conjunction with British ships, to captures made by the land forces of Foreign States in conjunction with the British.

101. An act for extinguishing the right of way over a lane or road leading across the exercising ground in front of Chatham lines, and for vesting the soil thereof in his majesty, his heirs and successors.

102. An act for appointing Commissioners for carrying into execution an act of this session of parliament, for granting to his majesty a Duty on Pensions and Offices in England; and an act made in the 38th year of his present majesty, for granting an aid to his majesty by a Land-Tax, to be raised in Great Britain, for the service of the year 1798.

103. An act for further extending the provisions of several acts, for establishing the Bank of Ireland; and for empowering the governor and company of the said Bank, to advance the sum of 1,250,000*l.* Irish currency, towards the service of the year 1808.

104. An act for the better regulation of Pilots, and of the Pilotage of ships and vessels navigating the British seas.

105. An act to authorize his majesty until the 25th of March 1809, to make regulations respecting the trade and commerce to and from the Cape of Good Hope.

106. An act to remedy the inconvenience which has arisen, and may arise, from the Expiration of Acts, before the passing of Acts to continue the same.

107. An act to enable the Secretary at War to enforce the making of Returns from clerks of subdivisions, and others, in relation to Fines, Half Bounties, and Residues of sums due under certain acts relating to the Defence of the Realm, for the purpose of directing the distribution thereof to the persons entitled thereto.

108. An act for carrying into complete execution and effect certain provisions contained in an act passed in the 43d year of his present majesty, for making compensation to the Patentee Officers of the Pleas side of the Court of Exchequer in Ireland, as far as respects the compensation to John M'Clintock, and William Foster M'Clintock, esqrs. Patentee Officers of the office of serjeant at arms of the said Court of Exchequer.

109. An act to regulate the Trade between Great Britain and the Portuguese territories, on the continent of South America.

110. An act for the further encouragement and better regulation of the British White Herring Fishery, until the 1st of June 1813, and from thence to the end of the then next session of parliament.

111. An act for enabling his majesty to establish a permanent Local Militia Force, under certain restrictions, for the defence of the realm.

112. An act for raising the sum of 500,000*l.* by Treasury Bills for the service of Ireland for the year 1808.

113. An act to empower Grand Juries in Ireland (or persons appointed by them), to sell or exchange ground that has been occupied by old Court Houses, Gaols, or County Infirmaries, and the materials thereon.

114. An act for raising the sum of Six Millions, by Exchequer Bills, for the service of Great Britain for the year 1808.

115. An act to grant to his majesty countervailing Duties on Spirits imported into Ireland from Scotland; and to allow equivalent Drawbacks on Spirits exported from Ireland to Scotland.

116. An act for granting to his majesty Rates of Postage on the conveyance of Letters and Packets to and from the island of Madeira, and to and from the Portuguese territories on the continent of South America.

117. An act for repealing the Duties upon Silks painted and stained, and for granting other duties in lieu thereof.

118 An act to prohibit the Distillation of Spirits from Corn or Grain, for a limited time.

119. An act for regulating the charging of the duty on Spirits imported into Great Britain, according to the strength thereof.

120. An act for reducing the Excise Duties on Coffee imported into Great Britain, and for directing that coffee and cocoa warehoused shall be subject to the regulations of an act of the 43d year of his present majesty, for permitting certain goods imported to be secured in warehouses.

121. An act for reducing the duty of customs on Coffee imported into Great Britain when taken out of warehouse for home consumption.

122. An act for vesting all estates and property occupied for the Barrack Service in the Commissioners for the Affairs of Barracks; and for granting certain powers to the said commissioners.

123. An act for the discharge of Debtors in execution for Small Debts, from imprisonment in certain cases.

124. An act for continuing the premiums allowed to ships employed in the Southern Whale Fishery.

125. An act to permit the importation of Rice, Grain, and Flour, from any foreign colonies on the continent of America into certain ports in the West Indies, and to allow certain articles to be imported from the united states of America into the British provinces in North America, for the purpose of exportation to the British islands in the West Indies.

126. An act to permit Goods secured in warehouses in the port of London to be removed to the out-ports for exportation to any part of Europe, for empowering his majesty to direct that Licences which his majesty is authorized to grant under his sign manual may be granted by one of the principal secretaries of state; and for enabling his majesty to permit the exportation of goods in vessels of less burthen than are now allowed by law, during the present hostilities, and until one month after the signature of the preliminary articles of peace.

127. An act to render valid certain Marriages solemnized in certain churches and public chapels in which banns had not usually been published before or at the time of passing an act made in the 26th year of the reign of his late majesty king George II. intituled, 'An act for the better 'preventing of clandestine Marriages.'

128. An act to repeal so much of an act, passed in the 45th year of his present majesty, for regulating the office of Paymaster General, as requires certain Accounts to be examined and settled within certain periods, by the Secretary at War, and enabling his majesty to make orders for examining and settling such accounts.

129. An act to repeal so much of an act passed in the 8th year of the reign of queen Elizabeth, intituled, 'An act to take away the 'benefit of Clergy from certain Offenders 'for Felony,' as takes away the benefit of clergy from persons stealing privily from the person of another; and for more effectually preventing the crime of larceny from the person.

130. An act for preventing the various frauds and depredations committed on merchants, shipowners, and underwriters, by Boatmen and others, within the jurisdiction of the Cinque Ports; and also for remedying certain defects relative to the adjustment of Salvage, under a statute made in the 12th year of the reign of her late majesty queen Anne.

131. An act for further continuing until the 1st of May 1809, an act of the 43d year of his present majesty, for suspending proceedings in actions and other proceedings relating to the Woollen Manufacture.

132. An act to extend the provisions of an act, passed in the 45th year of his present majesty, for the encouragement of Seamen and better manning his majesty's Navy, to cases arising in consequence of hostilities commenced since the passing of the said act.

133. An act for enlarging the times appointed for the first Meetings of Commissioners and other persons, for putting in execution certain acts of this session of parliament.

134. An act to amend the laws relating to the marking of Bags and Pockets of Hops.

135. An act to amend an act made in the 46th year of his present majesty for more effectually carrying into execution the purposes of an act made in the 39th and 40th year of his majesty, to give further Time for the payment, on the conditions therein mentioned, of Instalments on certain Loans advanced to the house of Alexander Houston and Co. to Charles Ashwell, esq. and to William Johnstone, esq. being persons connected with and trading to the islands of Grenada and Saint Vincent, so far as relates to the real and personal estates of William Mac Dowall, James Mac Dowall, and Robert Houstoun Rae in the West Indies and elsewhere, except in Scotland.

136. An act to indemnify all officers and persons who have carried into execution any of the provisions of an act passed in the last session of parliament, for completing and increasing the Militia of Great Britain, in relation to the Militia of the Tower Hamlets.

137. An act to amend and enlarge the powers of an act of the 46th year of his present majesty, for consolidating and rendering more effectual the several acts for the purchase of Buildings and further Improvement of the streets and places near to Westminster Hall and the two houses of parliament.

138. An act for defining and regulating the powers of the Commission of Tiends, in augmenting and modifying the stipends of the clergy of Scotland.

139. An act for granting to his majesty a sum of money to be raised by Lotteries.

140. An act for the more effectual administration of the office of a Justice of the Peace, and for the more effectual prevention of Felonies within the district of Dublin metropolis.

141. An act to amend the acts relating to the Duties of Assessed Taxes, and of the Tax upon the profits of Property, Professions, Trades, and Offices, and to regulate the assessment and collection of the same.

142. An act for enabling the Commissioners for the Reduction of the National Debt, to grant Life Annuities.

143. An act to repeal the Stamp Duties on Licences granted by justices of the peace for selling Ale, Beer, and other exciseable liquors by retail; and for granting other Duties in lieu thereof.

144. An act for the more effectual protection of Oyster Fisheries and the brood of Oysters, in England.

145. An act for enabling his majesty to grant Annuities to the Judges of the Court of Session, Justiciary, and Exchequer in Scotland, upon the resignation of their offices.

146. An act for vesting the stock of the Court of Session in Scotland in trustees, for the erecting buildings for the better accommodation of the College of Justice, and a Public Gaol, in the city of Edinburgh, and for other purposes therein mentioned.

147. An act to permit the sale of the Danish prize ship Constantia Maria, and her cargo, in the port of Fowey in the county of Cornwall.

148. An act for granting to his majesty a certain sum of money out of the consolidated fund of Great Britain, and for applying certain monies therein mentioned for the service of the year 1808; and for further appropriating the Supplies granted in this session of parliament.

149. An act for repealing the Stamp Duties on Deeds, Law Proceedings, and other written or printed instruments, and the Duties on Legacies and Successions to personal estate upon intestacies, now payable in Great Britain; and for granting new Duties in lieu thereof.

150. An act for enabling his majesty to establish a permanent Local Militia Force in Scotland, under certain restrictions, for the defence of the realm.

151. An act concerning the administration of Justice in Scotland, and concerning Appeals to the house of lords.

152. An act for granting certain Duties on Worts or Wash made from Sugar during the prohibition of distillation from corn or grain in Great Britain.

PARLIAMENTARY PAPERS.

First Report from the Committee on the Distillation of Sugar and Molasses.—*Ordered to be printed 13th April, 1808.*

> The Committee appointed to enquire, and report, how far, and under what circumstances, it may be practicable, and expedient to confine the Distilleries of the United Kingdom to the use of Sugar and Molasses only; and also what other provision can be made for the Relief of the Growers of Sugar in the British West India Colonies; and to report the same, with their Observations and Opinion thereupon, from time to time, to the House:—and who were empowered to report the Minutes of the Evidence taken before them;

HAVE, pursuant to the orders of the house, examined the matters to them referred; and have agreed to the following Report:*

Your Committee felt it their first duty to examine into the continuance of that severe pressure upon the holders of West India property, and those connected with it, which was so clearly proved before your committee of the last session of parliament.—For this purpose your committee called before them several gentlemen connected with those Islands, and experienced in the colonial trade; these gentlemen fully confirmed the evidence given last year, and proved to the conviction of your committee, that the continuance of the pressure has materially added to its weight.—It appears from accounts laid before your committee, that the price of Sugar has greatly diminished since the year 1799; the average price of 1800, was 65*s.* per cwt.; the average of 1807, was 34*s.* per cwt. both exclusive of duty. In consequence of that depreciation, and of the increased expence attendant on the cultivation of the article, the situation of the Sugar Planter has been rapidly declining, till at length the value of the produce is, on an average, barely equal to the charges of production, leaving no rent for the land, and no interest for the large capital employed upon it.—It appears that the obstacles opposed to the exportation of colonial produce, added to its forced accumulation in the market from the conquered colonies, have been the principal causes of its depreciation. While the planter has remained subject to a monopoly in favour of British produce and navigation, his exclusive possession of the home market has been interfered with; and, while the British consumption has been increasing, the efforts he has made to meet it have turned entirely to his own disadvantage.—It appears that the planter cannot so withdraw his capital, diminish the extent, or change the object of his cultivation, as to procure for himself any adequate relief; and, without legislative intervention, there is no prospect of his being extricated from his distress. Annuitants dependant on West India property for their provision, have, in many instances, been totally deprived of that income.—The increased price of all the usual articles of supply, added to the depreciation of colonial produce, has deprived a great proportion of the owners of the resources wherewith to furnish the accustomed stores of food and cloathing for their negroes, and of duly providing for their superintendance: and, if relief be not speedily applied, these stores must be actually diminished or withheld, whereby much painful privation will be suffered by the negroes, and discontent, if not commotion among them, may be seriously apprehended.—In the Report of the Committee of the assembly of Jamaica, it is stated, that there are 115 Sugar Estates respecting which suits are depending in the court of chancery; from which and from other evidence, it appears that foreclosures of securities on property are become unusually frequent in that Island, which will deprive many owners of their estates, for sums quite disproportioned to their value. Another effect from this cause will be, much individual distress to the negroes, who, in consequence of such foreclosures, will in many instances be separated from their families.—From all these considerations, your committee submit, that the case of distress thus made out, is as urgent as it is severe; that therefore it is not only necessary to adopt measures of permanent relief, but also such as may have an early operation, and apply to the coming crop, in order to prevent the accumulation of distress that will otherwise arise, before any such ulterior regulations can take effect.

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* See Appendix to vol. ix. p. lxxx.

From the ACCOUNTS annexed to this Report, it appears,

			Cwts.
THAT the average importation of Sugar into G. Britain, for 5 years, ending with 1785, was			1,579,537
		Cwts.	
Deduct, exported to Ireland	Annual average	157,217	314,730
Ditto - ditto - to other parts		157,513	
Average annual balance remaining for the consumption of Britain			1,264,807
Add, quantity exported as above to Ireland			157,217
Annual balance remaining for the annual consumption of the empire			1,422,024

The above is exclusive of the small import into Ireland from the West Indies.

THAT the average importation of Sugar into G. Britain, for 1802 and 1803 (being two years of peace) was			3,741,486
Deduct average export to Ireland	Ann. average	167,267	1,870,025
Ditto - ditto - - to other parts		1,702,758	
Annual average balance remaining for consumption of Britain			1,871,461
Add, average annual importation into Ireland (direct) for the same period		171,224	
Deduct, export from Ireland		1,666	
		169,558	336,825
Add, quantity exported to Ireland, as above		167,267	
Average annual balance remaining for the consumption of the empire			2,208,286

THAT the average importation of Sugar into G. Britain, for four years, from 1804 to 1807, both inclusive (being four years of war) was		3,473,488
Deduct, average annual export to Ireland	174,166	1,145,924
Ditto - - - ditto - - to other parts	971,758	
Annual average balance remaining for consumption of Britain		2,327,564
Add, average annual importation into Ireland direct from the West Indies, for three years, from 1804 to 1806, both inclusive (the return for 1807 not having been yet received)	135,390	134,928
Deduct, export from Ireland	462	
Add, quantity exported to Ireland, as above		174.166
Average annual balance remaining for the consumption of the empire		2,636,658

THAT the quantity of Sugar imported into G. Britain, during the year ending 5th January 1808, was; viz.		
From the old British West India islands	3,069,805	3,651,686
From the conquered colonies; viz. Trinidad, Demerara, St. Lucia, Surinam, and Tobago	581,881	
Deduct, export to Ireland	233,108	1,363,642
Ditto - ditto to other parts	1,130,534	
Balance remaining for the consumption of Britain		2,288,044
Add, quantity exported to Ireland, as above		233,108
Balance remaining for the consumption of the empire, exclusive of the direct import into Ireland		2,521,152

ABSTRACT of the above STATEMENT.

	Annual average Importation into Great Britain.	Annual average Importation into Ireland.	Total Importation.	Average annual Exportation to Foreign Parts.	Balance remaining for the Consumption of Great Britain and Ireland.
					Cwts.
Annual average for 5 years, ending with 1785 - - -	1,579,537	- -	1,579,537	157,513	1,422,024
Annual average for 2 years; viz. 1802 & 1803 - - -	3,741,486	171,224	3,912,710	1,704,424	2,208,286
Annual average for 4 years; viz. 1804, 1805, 1806, & 1807 - - - - - - - - -	3,473,488	135,390	3,608,178	972,220	2,636,658
Imported from the old British islands - 3,069,805 Do. from conquered Colonies - - 581,881	3,651,686	- -	3,651,686	1,130,534	2,521,152

The preceding Statement shews, that the quantity of Sugar annually consumed in Great Britain and Ireland, upon an average of four years, ending with 1807 inclusive, was - - - - - - - -	2,636,658
And that the average export from the united empire, during the same period, to foreign parts, was - - - - - - - -	972,220
That the importation, for the year ending 5th January 1808, not including the quantity imported into Ireland direct, was - - - - - -	3,651,686
Of which the quantity exported to foreign parts was - - - -	1,130,534
Leaving, for home consumption - - - - - - - - -	2,521,152

Should there be no export to the continent in the course of 1808, a quantity, equal to what was exported during 1807, as above stated, will be thrown upon the market for home consumption; to which must be added, the quantity of Sugar which may be expected from the Danish islands; and the consequence of such a glut must necessarily be, a very considerable deduction in the price of Sugar, unless an additional vent shall be found at home to take off the surplus.

The following calculation shews the increased consumption of Sugar in the British empire within the last 22 years; also, a comparative statement of the actual production of the British colonies; and of the surplus production of the British colonies; with the demand for Sugar at the British market for the use of the continent, during the short interval of peace:

Annual consumption of Sugar in Great Britain and Ireland, upon an average of five years, ending with 1785 - - - - - - -	1,422,024
Ditto upon an average of four years, ending with 1807 - - - -	2,636,658
Increased consumption - - - - - - - - -	1,214,634
Average annual import of 1804, 1805, 1806, and 1807, into the united empire, was - - - - - - - - - - -	3,608,878
Deduct, import from conquered colonies (supposing 1807 to be an average)	581,881
Average annual import from old British colonies - - - - -	3,026,997
Average annual consumption in G. Britain and Ireland, for the above period	2,636,658
Annual surplus above consumption, from our own colonies - - -	390,339
Average annual export during peace, 1802 and 1803 - - - -	1,702,758
Average annual superfluity of old British colonies, as above - - -	390,339
Shewing the insufficiency of the present surplus produce of the old British colonies to meet a continental demand, equal to that of the last peace, to be	1,312,419

With a view to apply as speedy a relief as possible to the case thus made out, your Committee proceeded to consider of the expediency of prohibiting the Distilleries of the united kingdom, or any part thereof, from the use of grain, and confining them to that of sugar and molasses. This inquiry involving in it the interests of the revenue, the distillers, and the landholders of the country, your committee have gone through a long and minute investigation, with a view to ascertain how far these interests might severally be affected by the proposed restriction.—It appears from the Evidence of Mr. Jackson, that the revenue received from the English distilleries amounts to near 2,000,000*l*.; and is collected at the expence of ½*d*. in the pound. This revenue arises from a duty of 1*s*. 4½*d*. per gallon of wash; 100 gallons of wash are produced from about one quarter of corn; and the allowed produce of spirit from that quantity of wash is 19 gallons, at 1 to 10 over hydrometer proof. The customs duty on the cwt. of sugar is 27*s*.; two cwt. of sugar will produce 100 gallons of wash, which will produce 22 gallons of spirit at 1 to 10 over hydrometer proof.—The present duty on sugar wash is 2*s*. 0¼*d*. per gallon. If sugar were to be used without any alteration of the rate of duty, the revenue would gain; but the cost of the raw material would be greatly increased, and a proportionable rise in the price of spirits to the consumer would be the consequence. It would be desirable therefore that some modification of the duty should take place.—It appears from a calculation of Mr. Jackson, that taking the price of barley at 43*s*. a quarter, and of malt at 80*s*. a quarter, 116 gallons of corn-wash (producing the same quantity of spirit as 2 cwt. of sugar) would, in materials and duty, cost the distiller 10*s*. 4½*d*. per gallon, of which 7*s*. 10¾*d*. would be the duty to government. Taking the price of sugar at 60*s*. per cwt. and reducing the duty on the wash to 1*s*. 2½*d*. per gallon, the cost to the distiller would be 10*s*. 10*d*. per gallon, of which the duty would be 7*s*. 10*d*., bringing the duty, under the proposed restriction, to within a fraction of what it now is.—The Malt Duty being much more easily evaded than the Customs Duty on Sugar, which in fact is little, if at all eluded, it appears that that duty ought to remain as it is, and that the reduction ought to take place in the duty on the wash. There is, on account of the quicker dissolution of the material, a greater facility of fraud in the case of sugar than of corn wash; but on the whole, the chances of fraud would be diminished, the profit of it lessened, and the loss to the revenue, even if it were practised, would not be so great.—Under these limitations, your Committee are induced by the evidence before them, to hope that the Excise regulations may be so arranged, without great or inconvenient alteration, as to prevent any material injury to the revenue from the proposed suspension.—In Scotland, the system of collecting the duty is different and more complicated. In the Lowlands there is an annual licence duty of 162*l*. per gallon on the contents of the still; for which the distiller is permitted to make 2,025 gallons of spirit within the year, the licence expiring whenever that quantity appears to have been made. This duty amounts, on the gallon of spirit, to 1*s*. 7*d*. $\frac{2}{10}$ths. There is a wash duty of 5*d*. which, computed at the rate of 16½ galls. per cent. on the 100 gallons of wash, amounts to 2*s*. 6*d*. $\frac{3}{10}$ths; and there is a spirit duty of 1*s*.; the total being 5*s*. 1½*d*. per gallon.—The lower per-centage on the wash is occasioned by the rapid mode of distillation which is imposed upon them by law, and which subjects them to a constant waste of material, which they consider as a species of indirect duty. Sugar, it appears, would be better adapted to their quick mode of distillation than corn, as in the wash from the former there is no such residuum as there is in the wash produced from the latter. There is, therefore, no reason to suppose that the same per-centage of 22 gallons of spirits from 100 gallons of sugar wash might not be expected in Scotland as well as in England. As it would be adviseable, for the reasons stated by Mr. Jackson, to retain the whole of the customs duty on the sugar, it would only be necessary to make a certain reduction in the duty on the wash, or on the spirit.—The present distinctions in favour of the Highland distiller (by which he is required to produce only 10 per cent. on the wash, and is charged with a duty amounting on the whole to 4*s*. 5*d*. per gallon of spirit, instead of 5*s*. 1½*d*.) arose from an alledged inferiority of the material from which he works. Under the proposed restriction (the material being the same as that used by other distillers) the same per-centage of 22 gallons would of course be required. If it should be thought fit to charge the same amount of duty, it would only be necessary to apply the principle before recommended. The process of working is slower than in the Lowlands, and, on account of the difficulty of obtaining fuel, it might be proper to leave that, as it is now established.—The trades for export from England to Scotland, and vice versa, and for home consumption, are separately carried on, and under separate regulations. If therefore, it should be deemed expedient to confine the prohibition to England, there could be no difficulty in subjecting the Scotch export-trader to that prohibition, as he is to other regulations imposed on the English distillers. But the partial adoption of this measure in any part of this island would afford so strong a temptation in the other to smuggle the corn spirit which they would be entitled to manufacture, into the part subject to the prohibition, that much detriment would accrue to the revenue therefrom: and, indeed, there seems to be no good reason connected with the revenue why this measure should not be extended to Scotland. Much illicit trade is undoubtedly carried on in the Highland district, and the proposed restriction would encourage it, to a certain degree, on account of the preference entertained for corn spirit; but the frauds practised in evading the malt duty, by the licensed distillers, would be effectually stopped.—The collection of the Irish revenue is ultimately regulated by the quantity of the spirits, and is necessarily attended with more checks than in England. A duty of 4*s.* is charged on the gallon of spirit. The mode of working the distilleries is, by a certain number of doublings or charges of the still, required within twenty-eight days. There are three stages in which the duty is checked, on the pot-ale or wash, at the rate of 10 gallons of spirits to 100 gallons of wash; on the singlings of low wines, at two-fifths of spirits; and on the spirits according to the quantity; no reference whatever being had to the strength.—Should it be thought fit to extend the prohibition to Ireland, a modification of the rate of duty would be required, on the principle before stated. If the number of doublings is to continue to regulate the duty, the amount of the charge ought to be calculated on the utmost possible number of workings, which has been the principle on which the laws for collecting the revenue have been made. The number of workings has been gradually and progressively increased, and it is apprehended may admit of still further increase.—The substitution of Sugar for grain in Irish distillation would undoubtedly so far prove beneficial to the revenue of that country, as it would prevent all fraud on the material to be used. The frauds on the malt duty, which are stated to be enormous, so far as concerns the distilleries, would be prevented.—It is stated however, that it would be impossible to restrict the Irish licensed distillers to the use of sugar, their numbers being to those of the English distillers in the proportion of five to one:—that it would be very difficult to prevent them from using corn wash, which (under pretence of obtaining yeast) they would procure of the strength requisite for their purposes from the breweries, which are not subject to the excise, excepting in as far as relates to the malt duty. This practice they are stated to have followed when the distillation from corn was last prohibited.—It is however, admitted, that if proper regulations could be devised, and the vigilance of the revenue officers could be relied on, the frauds might in a great measure be prevented. But there would, it appears, be considerable difficulty in framing such regulations, or in inducing the officers suddenly to change that relaxed conduct, and in many cases corrupt behaviour, to which they have been unfortunately too much addicted. This difficulty with regard to the officers, would add to the facilities to fraud arising from the more rapid dissolution of sugar, which even of itself would render it far from easy to get an accurate account of the wash.—The enormous amount of the illegal distillation in Ireland (which is chiefly practised in the North) is urged as a strong objection to the proposed measure. The very great preference entertained by the people for Corn Spirit; the consequent hopes of sending them to other parts of the country, where there are fewer illicit stills; and the desire which would be created in landholders to find a market for their corn, thus excluded from the legal distilleries, would it seems, operate to the great detriment of the revenue, by tempting an increase of private distillation, which would be entirely from corn; and if so, whatever that increase should be, the revenue would receive additional injury to that amount, without causing any additional consumption of sugar. This objection would, however, not apply in case of a serious apprehension of scarcity, because the inhabitants would then be active in stopping the use of corn in the illicit distilleries. The detail of regulation which would be necessary to protect the intercourse of spirits from Ireland would be considerable, and your Committee pass by that subject, leaving it for the consideration of parliament.—In case it should be thought inconvenient to extend the restriction generally to Ireland, it were to be wished that the distillation for export from thence, might be confined to sugar. Under such a regulation, however, considerable inconvenience might arise from the probability that a great deal of corn spirit would be exported under the pretence of exporting sugar spirit. This too would be an inconvenience superadded to the risk arising from the illicit trade as above stated.—On the whole, if it should be deemed expedient to confine this measure to G. Britain, your Committee would recommend a suspension of all intercourse in spirits between the two islands, as the best security that could be afforded to the British revenue and manufacture, such suspension to continue while the corn distillers should be restricted in G. Britain. With a view to afford security to the revenue, as well as to protect the interest of the present corn distillers, it would be an indispensable measure, to whatever part of the empire the suspension of the use of grain in the distilleries should be applied, to confine the power of distilling from sugar, to the houses now engaged in the malt distilleries.—The Maidstone Distillery was established under a particular act of parliament, and works, for a particular object, with different materials from the ordinary distillers. That house cannot make a spirit from sugar similar to that they now make from corn. Were this distillery allowed to go on working from their present materials, the rest of the trade being subject to the suspension, the injury that would accrue both to the revenue and the other distilleries need scarcely be pointed out. This peculiar mode of distillation ought, therefore, to be suspended during the operation of the proposed measure. But your Committee recommend that for that period, the proprietors ought to be allowed to enter and work from sugar as ordinary distillers. They were not allowed so to work during the last prohibition, and suffered accordingly. It is stated that they now pay 30,000*l.* per annum to government, which would be lost, while an encouragement would be given to the smuggling of Hollands Geneva, of which their spirit is the rival. Against this loss however must be set the probable legal importation of Hollands gin, which pays a much higher duty, and the additional quantity of sugar spirit that would be manufactured and consumed. Your Committee are not prepared to give any decided opinion as to the propriety of permitting the use of Molasses in distillation. That article being the produce of refined sugar, and a drawback being allowed on the exportation of that sugar equal to the whole duty, no abatement of duty could be afforded on the molasses wash, such as has been recommended in the case of sugar wash. It besides appears, that the material of sugar is equally advantageous to the manufacturer, and produces a spirit equally pure, and as good for all purposes. Brandy, which is now made from molasses, might with equal profit be made from sugar.—It appears from the account of Mr. Jackson, that, calculating from the quantity of spirits that pay duty, the distilled produce of 304,206 qrs. of grain is consumed in England, a considerable portion of which spirit is manufactured in, and imported from Scotland and Ireland. By the same evidence, the quantity of grain distilled in Scotland, for their home consumption, amounts to 147,588 qrs. By the excise return from that country (which is exclusive of the export to England, and inclusive of the import of English barley for the distilleries, which is considerable every year) it is stated at 169,367 qrs. Mr. Jackson's calculation for Ireland is formed on an average of two years, ending in 1806, and is far below the quantity since consumed.—Another evidence states the quantity of corn used in Irish distillation at 333,333 qrs.,—the quantity used Scotland at 155,555 qrs.; and in England, including the importation from Scotland and Ireland, at 291,166 qrs.; making 780,054 qrs. for the use of the distilleries of the united empire. It is difficult to get any very precise information on this head. But taking 780,000 as the whole quantity; taking Mr. Jackson's account for England at about 300,000; the Scotch excise account 169,000; the total for G. Britain, 469,000, would leave the remainder, or 311,000 qrs. for the consumption of Ireland. It appears however, by an official return from Ireland, that the quantity of grain used for distillation there is computed at 672,075 brls., at 224 pounds per brl.; three-fourths of that grain are oats.—In order to form their opinion on the manner in which the proposed restriction would affect the cultivation of barley in this kingdom, your Committee entered into a long and minute examination of various persons connected with the agriculture of the country; some possessing local and practical knowledge, others well known as being capable of affording the most extensive general information.—The opinion of these persons is, that barley is essential to the cultivation of the barley districts of England; that on such soils no other crop could be advantageously substituted in its room; that the distilleries are looked to as a source of considerable influence on the price of the article; and that the proposed restriction would be injurious to the growers of barley, by diminishing the market for it. The effect of this would be, in their opinion, a reduction in the price; on the supposition of an average crop, and that the same quantity continued to be sown: or, if to avoid the effects of depreciation in the market, a less quantity were to be cultivated, the farmers would be injured by being driven out of their usual course of cropping, and by the forced application of the land to other produce less suited to the nature of the soil.—Mr. Arthur Young, secretary to the board of Agriculture, has stated the quantity of Barley grown in England at about 4,800,000 qrs. and calculates the quantities used in the distilleries at 300,000, or 1-16th of that amount. He believes, that to withdraw from the market even that small proportion, would have a great effect in lowering the price of the article. He conceives, however, that the depreciation, or the alarm of it, cannot have any effect on the quantity sown this year, but on that sown in the next year; which effect 'would depend entirely on the idea of the public relative to having a different motive this time twelve months, for repeating the stoppage, from any which operates at present.' He thinks that in the event of an abundant harvest, the restriction would prove peculiarly hard upon the farmer, and arrest him in every exertion of his industry.—Another witness states, that the farmers conceive the distilleries to be a source of greater influence on the market than they really are. He thinks the proposed suspension would operate as a greater discouragement than it ought, and that the farmer (acting under exaggerated reports) would not sow his usual quantity of Barley.—It is to be observed, however, that the effect of clamour or alarm is from its nature but temporary, and would assuredly die away if any equivalent were found for the privation that caused it; such an equivalent would be found in the increased demand which would arise from any failure in our usual importation of grain. Moreover, as the quantity sown this year will not be affected by the proposed restriction, and as there is no ground to suppose that a similar measure will take place next year, the very re-opening of the distilleries to the produce of his industry cannot but do away any evil occasioned by the effect of a temporary alarm on the mind of the farmer.—It appears that in the districts peculiarly adapted to barley, that grain pays better than oats, and prepares the ground better for the wheat that usually concludes the cousre. It is also generally preferred to oats for the purpose of sowing with grass, and is considered as infinitely less exhausting to the soil. It is stated in a part of the evidence, that in the barley districts the number of sheep maintained under the turnip husbandry is greater when barley forms a part of this course, than it could be if oats, or any other grain were substituted for it, as the turnips can be kept on the ground longer if followed by a crop of barley, than if followed by any other spring crop. Spring wheat is not deemed admissible into the course of cropping, and the experiments tried with it are stated to have totally failed. It is admitted by some that supposing the price of oats to be so raised as to be put in competition with that of barley, such a rise, coupled with the greater quantity of the former produced on an acre of land, might induce some farmers to have recourse to that crop; though it seems generally to be considered, that such a course would be inexpedient to be taken on land superiorly calculated for the growth of barley.—There is a peculiar circumstance attendant on Norfolk, which, in the estimation of persons connected with that country, would make the proposed restriction bear harder on them than on the farmers in any other barley district, namely the annual export of barley to Scotland, which is considerable, and which would thus be cut off. It also appears, that the culture of barley is essential to the turnip husbandry as there practised with so much success. It is however generally admitted that there are many parts of England to which these objections do not apply; and where the cultivation of oats, supposing the price to rise, might be substituted for that of barley without any loss to the farmer.——Without regard to the southern part of Scotland, and the districts in the north into which the improved husbandry has been introduced, it appears that spring wheat has been much and very advantageously cultivated there of late years; and that the quantity of barley grown has proportionably diminished. It appears, moreover, that oats are not there deemed so exhausting a crop as they are in the South. It is thought, however, that any impediment to the growth of barley might be detrimental to the landholder by lowering the price of grain.—In the Highlands, and those parts of the North Lowlands into which the improved system has not been introduced, or which, from the nature of their soil or climate, are under peculiar disadvantages, the case is different; very little two-rowed barley is grown there, but the four-rowed barley called bere. In some parts of those districts, no wheat is grown, and the proportion of oats does not amount nearly to that of bere. It is stated that any measure of discouragement to the culture of bere would be detrimental, as it would be difficult to find a substitute for it; a considerable portion of it is said to be consumed in distillation, though what the proportionate amount of that is to the quantity grown could not be learned. It ought here to be again remarked, that illicit distillation prevails considerably in the highlands, and north of Scotland, and that doubtless a great part of the bere is consumed in that way.—It appears to your Committee, that considerable quantities of wheat, flour and oats, have been annually imported into Great Britain for some years past, while the exports of those articles has been very trifling. The annual import and export of barley is very small. This furnishes a sufficient proof that we have of late years depended in some degree, upon our foriegn connections for a supply of food for the inhabitants of this country, and your Committee are not informed of any circumstances attendant on the late crop that can diminish the importance of that resource.—Your Committee taking into their most serious consideration the state of our foreign relations, and the consequent probability that our usual supply of grain from foreign countries may fail us, are naturally led to suggest measures of precaution which may eventually ward off so great an evil.—It appears that about 470,000 qrs. of grain are annually consumed by the British distillers, and 672,075 brls., or about 420,000 qrs. in Ireland, and that the annual importation of corn into Great Britain from foreign parts, exclusive of that from Ireland, has for five years past amounted to about 770,000 qrs. Under the pressure of an actual scarcity, there would be no hesitation in having recourse to a stoppage of the distilleries. Your Committee therefore submit, that the restriction of that trade to the use of sugar for a limited time in Great Britain only, (if the measure should be deemed inadmissible as to Ireland) would be a wise precaution under our present prospects. It would leave for the food of the people 470,000 qrs. of grain, a quantity greater than the importation of oats in the last year.—Aware, however, that should any change of circumstances open our communication with the rest of the world, this measure might be rendered unnessary in the view just stated—aware that although in the event of a deficient crop this year, the distress would be greatly increased if accompanied by a deficiency in our usual foreign supplies; yet, that in the event of a superabundant harvest, the proposed restriction might be found very hurtful to the agricultural interests of the kingdom—aware that the return of peace might relieve the West India Planters from their present distress, and that probably some measures may be devised which may alleviate that distress before the period to which it is proposed to limit this suspension shall be concluded, your Committee recommend in the strongest manner, that any bill to be brought in, in consequence of this Report, should contain a clause granting a power to the king in council, upon a sufficient notice, to do away the suspension, and allow the distillers to carry on their trade in the accustomed manner.—When it is considered how very small a portion of the barley grown in this kingdom is consumed by the distillers, it is scarcely possible to think that the proposed measure itself can bear very hard upon the grower. It is calculated that 1,200,000 acres are used for that purpose, of which about 80,000, or one-sixteenth, are sufficient to grow the whole quantity from which the spirits consumed in England are produced. The quantity of barley and bere grown in Scotland does not, in all probability, bear a much less proportion to that consumed in a similar manner. There are doubtless many parts of the country in which the substitution of a different crop could be attended with no disadvantage, and might eventually be attended with profit. In the most cultivated parts of Scotland, in which a practical knowledge of agriculture exists in as great perfection as any where, such a substitution has been found actually to answer. It is to be remarked, that although it may be deemed disadvantageous to substitute any other grain in the room of barley, yet that the prices of grain mutually operate upon each other, and that a rise or fall in the price of any one kind must have a corresponding influence on the prices of the rest; and that any alarm which might be created by this measure can only operate prospectively as to next year's crop, from an expectation that the same suspension will again be resorted to.—Your Committee trust, that on a full consideration of the subject all apprehension will be done away by the power proposed to be vested in the king in council. They are sensible that they shall not have fulfilled the duties imposed on them by the house, unless they proceed to consider every possible mode of relief for the proprietors of West India estates; and they trust that they shall be enabled to suggest measures so permanently beneficial to that body, as to render it unnecessary for them again to apply for the interference of parliament, even should the present anomalous state of our foreign relations be protracted.—Your Committee are persuaded that the permanent adoption of this measure would be attended with great evils to the agriculture of the country; they feel it incumbent on them to state, that nothing in the evidence before them could induce a recommendation to that effect; they conceive that its frequent repetition would be still more hurtful; and nothing but the strong case so clearly made out by the West India interest, coupled with the loss of our trade with the countries from whence we derived a great proportion of our foreign supply, could prevail upon them to advise even this slight temporary interference (guarded as it is by the proposed limitations) with an established system of agriculture.—The peculiar situation of Ireland, the great difficulty of collecting the revenue on Spirits there, the great prevalence of illegal distillation, and the fear that this measure, together with the popular preference for corn whiskey, might increase that trade to an unlimited amount, and interfere with any regulations that might be adopted for its suppression, prevent your Committee from decidedly recommending the extension of this suspension to that country; but they are by no means prepared to assert that such regulations may not possibly be devised as to render its adoption there as practicable as in G. Britain. They are unwilling to express an opinion on this part of the question.—Your Committee press upon the consideration of the house the severe loss that must be felt by the empire at large, and no part of it more than by the landed interest, if some efficient remedy should not save the West India Colonies from the disasters that await them. When it is recollected that this country derives from them a net revenue on sugar of 3,000,000*l.* annually, besides the duties on the other articles of their produce; that they take off manufactures and produce of this country to the amount of 6,000,000*l.* sterling; to which considerations must be added the shipping they employ, and the sailors bred in the trade; and that were the restriction taken off that now impedes the export of corn to the colonies, they would now import from hence, to the great advantage of the British landholder and merchant, a considerable proportion of what they now do from foreign parts; it is hoped that the house will think your Committee warranted, under the peculiar circumstances of the times, in recommending the suspension of the use of Grain in the distilleries of G. Britain, and their restriction to the use of Sugar for one year, from the first of July 1808 to the first of July 1809, accompanied by the aforesaid discretionary power to be vested in his majesty.

SECOND REPORT FROM THE COMMITTEE ON THE DISTILLATION OF SUGAR AND MOLASSES.—*Ordered to be printed 31st May, 1808.*

THE Committee appointed to enquire, and report, how far, and under what circumstances, it may be practicable and expedient to confine the DISTILLERIES of the United Kingdom to the use of SUGAR and MOLASSES only; and also what other Provision can be made for the Relief of the GROWERS of SUGAR in the BRITISH WEST INDIA COLONIES; and to report the same, with their Observations and Opinion thereupon, from time to time, to the House:—and who were impowered to report the Minutes of the Evidence taken before them;

HAVE, pursuant to the order of the house, further examined the matters to them referred; and have come to the following Report: Your Committee after having presented their First Report, lost no time in prosecuting the enquiries pointed out to them, in the order by which they were constituted; conceiving that if by legislative encouragement an increased consumption of Rum could be created, material relief would be afforded to the planter, enabling him to diminish the quantity of the inferior sugars now imported, by converting a portion of them into that spirit, their first attention was directed to the most eligible means of accomplishing this object.—Understanding that an extensive trade in foreign spirits is carried on under the protection of licences from the privy council, and of neutral flags, and that thereby a great encouragement is given to a staple commodity of the enemy, while a proportionate discouragement is thrown in the way of the consumption of West India rum, your Committee called before them several persons concerned in the continental trade, with a view to ascertain the fact, and to learn the manner in which the traffic is carried on; and also two gentlemen connected with the boards of customs and excise, fully capable of informing them, whether any loss would accrue to the revenue by prohibiting or discouraging the importation of foreign spirits in future; and how that loss might be compensated, should any such be expected to arise.—It appears, that foreign brandy and geneva are among the enumerated articles, the importation of which is permitted by the general war-order of the king in council. The expences of freight and insurance however are too heavy, and the risk of seizure by our cruizers, and condemnation in our prize courts, is too great to allow the trade to be carried on with any prospect of advantage under the authority of such a general order. The merchants of this country therefore apply to the privy council for particular licences; which being granted, neutral vessels are chartered, by which under these licences a trade is securely carried on, which otherwise would not exist. The ships proceed in ballast for the hostile port, taking with them neither British manufactures nor colonial produce, which would render them liable to confiscation. They bring back, foreign spirits, wine, and fruit, but neither raw silk, nor any other article useful to the British manufacturer. Those cargoes are chiefly paid for by bills of exchange. As this trade affords great encouragement to one of the chief staples of the enemy, without promoting in the smallest degree the welfare of the shipping, manufacturing, or colonial interests of this country, it is evidently the policy, as we are led to believe it is the practice of the French government, to connive at its continuance, and to protect it. The sound policy of this country would seem to require the prohibition or discouragement of a trade, in which the advantage is reaped by the enemy; particularly as by so doing the produce of our own colonies, and spirits the manufacture of our own country, would replace those so withdrawn from the market.—It appears that the quantity of foreign spirits for which duty was paid in the last year, was 2,101,187 gallons, and that the gross amount of the duty was 1,336,973*l*. The duty of customs and excise per gallon, on foreign spirits is 16*s*. 1½*d*.; on rum, 11*s*. 2½*d*. and the excise duty on British spirits, exclusive of the malt duty, is 7*s*. 2¼*d*. It would seem that a bare substitution of a consumption of the same quantity of spirits at a lower duty, would occasion a certain loss to the revenue. Mr. Jackson calculates that loss at 786,000 *l*. per annum; and presuming only on a bare substitution of quantity, thinks, that in order to prevent any deficit, and at the same time to preserve the present difference between the duties on rum and British spirits, an addition of 2*s*. 8*d*. per gallon on each of these articles would be required. But such additional duty, in the opinion of your Committee, could not be imposed without considerable danger of permanently diminishing the consumption of those articles. As the flavour of foreign geneva is well imitated in this country, and as Brandy can be made strongly resembling the foreign spirit, it is impossible to believe that rum alone would be substituted in the room of any quantity of those spirits, which the recommendation of this report might withdraw from the market. Should the consumption of rum however be increased by the amount of one-third of the foreign spirits which paid duty last year, that increase would rise to 700,000 gallons. The advantage gained by the West Indian interest would not stop here; as a demand for an additional quantity of British brandy would create a market for a proportionate quantity of sugar and molasses, those being the materials from which the best imitation of foreign brandy can be produced. It is proper to mention, that the present embargo in the ports of the United States will throw a large quantity of Rum on the market of the mother country, which affords an additional inducement to your Committee to recommend any measure likely to increase the home consumption of that spirit.—The re-exportation from this country of the Brandy brought in on license, is not considerable; the north of Europe being chiefly supplied by the prize spirits. No duty is retained on the re-export to Europe except the war duty of 12 and $\frac{1}{2}$ per-cent. on the customs, or about $1\frac{5}{8}$ per gallon; to which the act enforcing the late Orders in Council has added a duty of 8*d.* per gallon. In some instanccs it may be exported duty free. This trade has enjoyed these advantages only since the introduction of the warehousing system; as, before that period, Rum alone could be exported without duty; the consequence is, that Rum must have lost what the other spirit gained in the export trade.—The most obvious mode of preventing the importation and use of foreign spirits, would be by a law of direct prohibition. Mr. Frewin states, that the difficulty of preventing smuggling would not be rendered greater than at present, even by a total prohibition of the trade; and Mr. Jackson thinks that the contraband trade might be more effectually checked under a change of system, than by adhering to the present mode of granting licences and imposing high duties. But in case it should be deemed more expedient to adopt the mode of laying on an high additional duty, the revenue might receive its compensation for the diminished consumption of foreign spirits, in part by the increased consumption of British-made or colonial spirits, which at a lower price would more than replace the quantity of that diminished importation, and in part by the increased amount of the duty on that reduced quantity of foreign spirits, which would even under these circumstances continue to be consumed. Actuated by these considerations, your Committee recommend, either that the importation and use of foreign spirits should be prohibited during the war, or that the duties of custom and excise on all such spirits imported should be greatly increased; and in the latter case, they also submit that it would be highly expedient to lay a heavy duty on their re-exportation to any part of the world.—Your Committee conceiving that the greatest encouragement which could be given to the consumption of Rum, would be to equalize the duties on that article and British spirits, examined several witnesses with a view to ascertain the probable effects of such a measure. The evidence shews, that very great relief would thus be afforded to the planter; but it is objected, on the part of the distillers, that they could not stand the competition, and that material injury, if not entire ruin to their trade, would be the consequence. If so, permanent injury would also be done to the market for grain, which is now afforded by the distilleries. Your Committee therefore refrain from recommending the equalization of the duties on Rum and British spirits, to the consideration of the house.—Your Committee are proceeding in the examination of other matters, which they conceive to be included in the order of the house, and hope to be enabled shortly to lay a third report on your table. They are induced to present this report separately, not only because it relates to a separate and distinct object, but also, that no time may be lost in acting upon the recommendation contained in it.

THIRD REPORT FROM THE COMMITTEE ON THE DISTILLATION OF SUGAR AND MOLASSES.—*Ordered to be printed* 10*th June,* 1808.

The Committee appointed to enquire, and report, how far, and under what circumstances, it may be practicable and expedient to confine the DISTILLERIES of the United Kingdom to the use of SUGAR and MOLASSES only; and also what other Provision can be made for the Relief of the GROWERS of SUGAR in the BRITISH WEST INDIA COLONIES; and to report the same, with their Observations and Opinion thereupon, from time to time, to the House:—and who were empowered to report the MINUTES of the EVIDENCE taken before them;—

HAVE, pursuant to the Order of the House, further examined the Matters to them referred; and have come to the following Report:

IN the further consideration of the extensive subject referred to your Committee, it has appeared to them, that in the event of a discontinuance of the embargo at present imposed by the U. States of America, material relief might be afforded to the West India Colonies, by some relaxation of the restrictions to which their trade with that country is at present subjected. This trade is, under certain limitations, permitted by law, and appears to be of the greatest importance for securing to the islands, during war, regular and adequate supply of provisions and lumber, by which latter term is meant, the various descriptions of timber used for buildings and packages for produce. By far the greatest portion of these supplies has been hitherto imported in American vessels, and paid for partly in rum and a very small quantity of molasses (the only articles of their growth which the colonists are allowed to barter), and partly in specie and bills of exchange. The latter mode of payment is greatly preferred by the Americans, who generally insist upon it, and will dispose of their cargoes at a considerably less price when it can be obtained. The West Indies are as solicitous to barter, and are often obliged to press their rum and molasses on the American merchant at a great disadvantage, in order to get the articles off their hands, and to avoid the necessity of selling produce in the Islands at a losing price to raise money for their purchases. It appears however in evidence before your Committee, that not above one-third of the supplies imported from America are paid for in this manner.—The cause of the preference thus shewn by the merchants of the U. States to amode of payment so distressing to the other party, is to be found in the limited demand for rum and molasses, as compared with the value of the articles imported, and in the advantage which money and bills of exchange afford in the unrestrained intercourse which they are allowed to carry on with the enemy's colonies. It has been their practice to sail thither with the money of which they have drained the British West Indies, and to purchase with it sugar, molasses, and coffee, to return with these articles to their own country, and then to export the surplus, beyond the demand of the American market, to every part of the continent of Europe. One of the chief causes of the distress of the British colonist is to be traced to this source. His produce, loaded with war charges, has been brought home to a glutted market, there to be sold at low prices, while the produce of the enemy, carried in neutral bottoms, at expences little exceeding the ordinary charges of peace, has securely reached the continental market, supplanting thereby the English trader who could not stand the competition, under the complicated disadvantages attending his traffic. The free communication which has existed between the Americans and the enemy's colonies has enabled the latter to procure their necessary supplies at a much cheaper rate than they can be obtained at in our islands. The truth of this assertion is proved by a statement of the comparative prices of lumber and provisions in Martinique and Trinidad, given in evidence by Mr. Marryat, and by an account delivered in Mr. Wedderburn, of the prices of the same articles in the island of Jamacia.—It appears by the Evidence contained in the Appendix, and seems naturally to follow from the above statement, that a permission to barter sugar and coffee, as well as rum and molasses, for the lumber and provisions imported in neutral bottoms, if coupled with the adoption of measures of encreased rigour, with regard to the commerce carried on by the enemy's islands, would effectually relieve the planter from the evils he now so justly complains of. He would not only be freed from the inconveniences that flow from the restrictions imposed on his trade, and the immediate losses thus brought upon him, but what is of paramount importance, a new market would be opened, which would annually take off a great portion of that produce, the forced accumulation of which in the market of the mother country he has so grievously felt. Your Committee cannot too strongly press upon the attention of the house the advantages that would be derived by the West Indian proprietors from the opening of such an outlet for the chief articles as their produce. Such a system is peculiarly calculated to diminish the distresses under which the British planters at present labour. It would relieve the home market, and would materially tend to substitute, in consumption, the productions of the British for those of the French colonies.—Although the permission to barter sugar and coffee, in exchange for lumber and provisions, would be productive of advantage, even if unaccompanied by the other measures to which your Committee have alluded, they cannot hope, that it would be followed by any very extensive benefits, unless some further check should be imposed on the intercourse between the U. States and the enemy's possessions. That intercourse which originated in the naval inferiority of France, has been productive of so many advantages to the Americans, that, while it continues to subsist, they will not be induced to abandon the profitable practice of draining our islands of specie in order to purchase at an advantage foreign colonial produce. A recurrence, however, to the rule of the war of 1756, or a blockade general or partial of the hostile colonies, would materially alter the case. Under such a change in the policy of Great Britain, the interruption of their traffic with the French islands would compel them to resort to the British colonies, and a trade advantageous to the enemy would be succeeded by one conducive to the prosperity of this kingdom.—Your Committee felt it to be their duty to enquire into the manner in which a permission to barter the above-mentioned articles with neutrals might affect his majesty's North American colonies and the shipping interest of this country. Most of the objections that were pressed on the attention of the Committee by the witnesses who were examined on this part of the subject, apply to the existence of any intercourse whatever between the British West Indies and the U. States in neutral bottoms. As such an intercourse, established by law, actually exists, your Committee felt themselves precluded from entering on that extensive and important subject of investigation. They did not conceive it to be submitted to them by the house, and they felt that to report upon it would be to exceed the limits of their instructions. They did not, however, refuse to admit on their minutes some answers perhaps irrelevant to the subject matter of their enquiry, as these answers were earnestly and repeatedly pressed by those who gave them, as being of importance to the interests with which they are connected. It has been objected, that the permission will operate as a discouragement to the produce and commerce of our North American colonies, by giving a greater stability to an intercourse, the existence of which is stated to be inconsistent with their welfare; and that it will injure the shipping interest, by affording a strong temptation to the continued employment of neutral vessels in a trade, to a participation in which it is asserted they never ought to have been admitted. It is urged, that these effects are likely to follow, even though the quantity of sugar and coffee to be exported from the islands should be strictly confined to mere barter for the value of the lumber and provisions received from the United States. Your Committee beg leave to observe, that a variation in the mode of payment cannot thus affect either the colonial or the shipping interests of the kingdom. An intercourse is actually permitted between the Islands and the United States, by which the former have been chiefly furnished with the lumber and provisions they required; and a reference to the evidence of Mr. Lyon will shew how small a quantity of the supplies have been procured from his majesty's North American possessions, or have been imported in British shipping. It is presumed that, during the war at least, there exists no intention on the part of the British government of disturbing this connection. The proposed variation in the mode of payment, if its amount be restricted within the limits of mere exchange, and the export of the articles be confined to the vessels bringing the supplies, cannot increase the quantity of neutral shipping, or materially discourage the cultivation of our possessions on the continent of America. Should it even partially have these effects, let the great possible advantages on the one hand be set against the utmost extent of the apprehended loss on the other, and it is conceived that the house will have no difficulty in forming its judgment. As to the shipping interest, it is obvious that a forced diminution of the cultivation of those Islands would be of the greatest injury, while a measure tending to prevent such a reduction must be of the greatest benefit, in as far as it must leave them at present the continuance of their outward freights undiminished, and secure to them the whole of the homeward freights in the event of a return of peace.—With the view your Committee have taken of the whole of the question under their consideration, they cannot but earnestly recommend to the house the expediency of permitting the proprietors of West India estates to barter sugar and coffee, as well as rum and molasses, for the lumber and provisions imported in neutral vessels during the war. Should no objections, arising out of considerations of general policy (on which it is not within the province of your Committee to give any opinion) occur to prevent the adoption of stronger measures to interrupt the intercourse between the enemy's colonies and the United States, your Committee would recommend that recourse should be had to some such system. Such a change in our policy would produce the greatest benefit to our colonies, and would transfer to them the advantages which the war has hitherto procured for those of the enemy.

FOURTH REPORT FROM THE COMMITTEE ON THE DISTILLATION OF SUGAR AND MOLASSES, &c.—*Ordered to be printed 22d June*, 1808.

The Committee appointed to enquire, and report, how far, and under what Circumstances, it may be practicable and expedient to confine the DISTILLERIES of the United Kingdom to the use of SUGAR and MOLASSES only; and also what other Provision can be made for the Relief of the GROWERS of SUGAR in the BRITISH WEST INDIA COLONIES; and to report the same, with their Observations and Opinion thereupon, from time to time, to the House:—and who were empowered to report the MINUTES of the EVIDENCE taken before them;—

HAVE, pursuant to the Order of the House, further examined the matters to them referred; and have agreed to the following Report:

YOUR Committee next proceeded to enquire whether any and what Relief might be afforded to the colonies, by reducing the prohibitory duty on the importation of refined sugar, to a duty which should be merely equivalent to that on raw sugar.—It may be proper to premise, that there is a process called claying, which does not subject the sugar to the prohibitory duty, and makes it liable only to an additional duty of 4*s*. per cwt., which is not more than proportionate to its additional value. This is, however, not what is meant by refined, which is, properly speaking, sugar that has undergone solution, and a fresh granulation, and such sugar is charged with a duty of 8*l*. 8*s*. per cwt.; which acts as an absolute prohibition of its import.—The advantages which the planter would derive from refining his sugar, before he imports it, are these:—First, The immense loss would be avoided which now arises from drainage in the passage, amounting to nearly one-eighth of the whole. This loss to the planter, if sugar be estimated at its shipment at the low rate of 25*s*. per cwt. is not less on the whole importation than 600,000*l*. per annum. It is indeed alledged, that this loss might be avoided by claying, but it appears that the process of claying is not applicable to all sugars, and, from its increasing disuse, it seems to be regarded as by no means beneficial.—Another benefit to the planter would arise from the great increase of his distillery; for every cwt. of sugar refined would furnish materials for the distillation of nearly three galls. of rum, and this additional distillation would be accompanied by no additional expence.—A third benefit to be expected by the planter would be the reduction of his home freight. At present the ships on an average obtain barely one-third of a freight out, and are therefore obliged to charge two-thirds of their freight out on their freight home. Should the refinery take place to any considerable extent, there would be a large export of coals and utensils. Besides, as the freight home is paid not on the sugar that is taken on board, but on what is landed, it follows that the freight of that eighth of the sugar which is lost on the passage must be charged on the remainder. Were this waste avoided, it is obvious that on this account only the freight home might be reduced one-eighth, without loss to the ship-owner, and this would be, at the present rate of freight, a saving to the planter of about 300,000*l*. on his whole import.—Lastly, a benefit of no small importance may arise to the colonies from the number of Europeans which would be wanted in various capacities for the refinery; and by this means would be obviated the alarming decrease of white population, which the present distress of the colonies cannot fail to accelerate. To this may be added, that the refinery would furnish to a considerable number of the negroes an employment superior to that of field labour, and thereby contribute to that gradation among them, on which their improvement and well being so much depends.—To the shipping interest it does not appear that any injury could possibly occur. Instead of a cwt. of raw sugar, the freight home would be 56lbs. of refined, 22lbs. of bastard sugar, and three gall. of rum, which is at least equivalent.—With regard to the Revenue, it is clear that if the duty laid on the refined sugar and the bastard should equal in amount that of the raw sugar which produced it, no loss could arise. In some other points of view the alteration would be beneficial to the revenue. The waste being avoided, a greater quantity would arrive, and arriving at no additional expence, it might be afforded cheaper. The consumption thereby promoted, the duties must also increase. The revenue would also gain in another way. It has been found impossible to prevent the molasses produced in the refinery from getting illegally into distillation, by which the revenue is materially injured. No such consequence could result from molasses produced in the West Indies, as the article is not of sufficient value to pay the charge of importation.—It has been observed, that the planter loses one-eighth of his produce; one-eighth of his capital may therefore be regarded as unproductive. The same remark applies to the shipping; being obliged to take on board a quantity of sugar, equal to one-eighth, which does not arrive, it follows that one-eighth of the West India shipping is also unproductive. Capital, under such circumstances, not only detracts from the income of individuals, but is so much loss of national stock; and in this light must be regarded the two sums before stated, making an aggregate loss to individuals and to the nation of 900,000*l.* annually.—It is next to be considered, what effect such alteration of the duty would have on the domestic refinery, for encouragement of which it was obviously first imposed. In as far as the colonial refinery might be promoted by such alteration, there can be no doubt but the domestic refinery must decrease; and if this effect were extensive and immediate, the greatest injury could not fail to arise to those, who, on the faith of existing laws, had embarked their capitals in these establishments.—Presuming that the house would not entertain a measure which could have such an effect, without at the same time entertaining a consideration of compensation to the individuals who might be injured by it, your Committee thought it incumbent on them to make enquiry as to the amount of these capitals and the nature of their investment.—It is stated that there were, two years ago, 364 refining Pans in employ in London alone, but that 70 of these are now out of employ. The number of pans in other parts of the United Empire are supposed to be 240, and it is presumed that an equal proportion of these, viz. 46, are from the same causes now unemployed. The total then would be 488 pans in employ, and 116 out of employ.—The capital requisite for each pan is stated to be 3,000*l.* of which two-thirds are allotted to the buildings, and one-third to the utensils. To keep a pan at work, a further capital of 6,000*l.* in London, and a larger sum in the out-ports, is requisite for the purchase of sugar, and to discharge the current expences. But this latter capital does not come into the present view, as it would not be engaged were the refinery to stop. Allowing the 3,000*l.* for each pan, it would amount to 1,464,000*l.* for those that are in employ, and 348,000*l.* for those which are out of employ. But as this latter capital may perhaps at any rate not become again productive, it would hardly be reasonable to allow for it as though it were so at present, and perhaps half the value only might be considered as liable to depreciation. This deduction would leave the total of the buildings and utensils subjected to loss at 1,638,000*l.* this would not however be total loss, for many of the buildings would be convertible to other purposes, and of all the site and materials would retain their value, neither would the utensils be entirely lost. An estimate of this nature cannot be expected to be exact, but it is perhaps not wide of the mark to say, that the total eventual loss would be one-half of their cost, or 819,000*l.*—Your Committee thought it right to present to the house the extreme case, in order to shew that even the extreme case could not occasion a loss equal to that which arises annually in the present system.—This extremity could, however, hardly occur. Your Committee have already observed, that in a matter so new, it is impossible to say what difficulties might arise, entirely to obstruct the progress of refinery in the West Indies. At any rate it is probable, that from want of capital there, such progress would be very gradual, and that the colonial refinery would at last be confined to such sugars as are exposed to the greatest waste in the passage, and are least able to pay their freight in a raw state. Thus it may be supposed that ultimately not above one-half of the domestic refineries would be superseded by those of the West Indies; and therefore not above half the above-mentioned injury could arise, and even this would be rendered less by its being gradual, and in great part remote.—So much however is certain, that in as far as the measure shall produce any effect, that effect will be highly beneficial to the planter and the nation, and that the benefits arising from it, will furnish ample funds for compensating any injury that it could produce. On the other hand, should the refinery not succeed in the West Indies, it cannot be imagined that from an unsuccessful speculation any serious injury could arise to the refiners of this country.—In the course of their enquiries, it has appeared obvious to your Committee, that effectual relief to the West Indian colonies was only to be expected in one of the three following ways: a change of their staple commodity, Sugar, for some more lucrative produce; a reduction of the expences attending its cultivation and sale; or an advance of price, whether affected by an increase of the demand or a diminution of the supply. The first of these modes has been represented as impracticable, and if it be practicable, it could not be effected to so great an extent, and within so short a time, as to prevent the ruin of a great proportion of West Indian proprietors. Difficulties nearly equal have been alledged to exist, in the way of an efficient reduction of the expence attending the cultivation and sale of colonial produce; and against opening new markets in any of the modes hitherto proposed, a pertinacious struggle has been maintained by different parties, each of them respectively jealous of the alterations suggested in the present system, as likely to be injurious to their particular interests. As to a diminution of the supply, it could not be effected without loss, except by the discovery of some profitable mode of employing the labour of the negroes, which (as is above stated) has not yet been devised; and this object, even if it had been otherwise attainable, must have been defeated by the great increase of colonial produce created by our recent conquests.—Under such circumstances, your Committee could not but favourably entertain the consideration of a plan for employing sugar in fattening cattle. The advantages of this scheme, supposing the success to be but moderately answerable to the expectations formed, are obvious and peculiar; the relief it offers would be of the most desirable kind, that of opening a new source of consumption;—within ourselves, and therefore independant of external accidents, or war; not interfering with the interest of any body of men whatever; extensive in proportion to the degree in which it should prove beneficial to those great classes, the feeders and consumers of cattle; and on the favourable supposition of eminent success, it would be attended with this especial advantage, that whatever increase of the price of sugar might be occasioned by the increased consumption from this cause, the burthen would fall generally on the whole country, and might perhaps be even compensated by a reduction in the price of cattle, arising from the improvement in the mode of feeding them. The positive evidence in favour of this plan cannot be stated as very strong; nor indeed could such be expected, while the public attention has not been immediately called to the subject, and experiments have been so discouraged by the cost of the material, as to prevent their having been tried to any satisfactory extent, or in sufficient variety to ascertain accurately either the absolute or the comparative advantage of the practice. A nearly universal current of opinion may however be alledged in support of it; nor would it be difficult to produce high commendatory authorities from writers upon the subject of aliment in almost every country, with which the observations of the best informed colonists entirely agree. The apparent results from the evidence of an honourable member of this house appear discouraging; but it does not seem impossible to account for them, without concluding against the general effect of sugar given in larger quantities and in a less diluted form. Experiments, which it is hoped will prove more decisive, are about to be instituted. As however it is evident, that even the present price of sugar, swelled as it is by the duty, must prove an insuperable bar to its adoption for this purpose, your Committee thought it adviseable to enquire into the possibility of admitting a drawback, to be received on all so employed, without risk to the present revenue, which appears by the evidence of Mr. Frewin to form the only ground of doubt concerning the allowance.—On private application, Mr. Parkes, a very intelligent practical chemist, took the subject into consideration, and in a manner very creditable to his public spirit, undertook a course of experiments, and has detailed in a very clear and able paper (which will be found in his evidence) several substances, which appear capable of being so united with sugar, as to prevent its being again used either for common economical purposes, or in wash for distillation, and from which it cannot be again separated without very considerable skill, difficulty, and expence, at the same time, not injuring, as is supposed, its nutritive qualities.—That those experiments are however absolutely conclusive, or of themselves form a sufficient basis for a legislative provision, your Committee mean not to affirm, and therefore do not at present recommend the indulgence alluded to; but they regard the magnitude of the subject, and the prospect of success, as sufficient to justify their having entered on the enquiry, and to warrant their hope, that before the next session of parliament it may be prosecuted with such diligence and zeal as completely to develope the truth.—Your Committee are aware, that relief to the growers of sugar has been looked for and solicited in a reduction of the duty paid on the British consumption of that article. Upon this subject it has not been judged necessary to collect specific evidence. It is sufficiently obvious, that the duty in this, as in other cases, ought to be so proportioned as to fall entirely upon the consumer, whereas it is certain, that for some years past, the tax on sugar has been borne, not by the consumer, but by the cultivator. It is equally certain, that excessive duties are apt to check consumption. If a quantity of sugar, considerably exceeding the average ordinary quantity consumed in the united kingdom, could, at a reduced price, be forced into consumption, the revenue, in effecting that object by lowering the rate of duty, might find a compensation in the extension of that duty to the additional consumption. But the planter, it is evident under his present circumstances, however desirable the object may be to him, is unable to bear that it should be accomplished at his expence, for even now receiving no return of profit by the present price, the only expedient in his power would be to reduce in a ruinous manner his cultivation to that point, which should proportion the supply to the existing demand of the mother country. To what extent the consumption of sugar in the united kingdom might, under judicious encouragement, be carried, must be matter of conjecture; it appears in the evidence before your Committee to have been progressive, even under the heavy accumulations of duty, which it has sustained, but more rapidly progressive under those low prices at which, with much disadvantage and loss to the planter, it has lately been sold.—Your Committee think it necessary to state (what the accounts produced before them will fully confirm) that the cultivation of the old British colonies has done little more than keep pace with the extension of British consumption, and that the excessive glut of the market is imputable chiefly to the admission of the produce of the conquered colonies into the privileges of our own, at a time too, when access to the foreign market was subjected to unusual difficulties. Thus circumstanced, the British colonies appear to your Committee to have a well-grounded claim upon the legislature for such regulations of duty on home consumption, and of bounty on exportation, as may place them at least in a situation as advantageous as that which they would have enjoyed had they been left in the exclusive possession of the market of this kingdom. Your Committee did, in the first instance, propose a measure which, whilst it promises some immediate relief, must only be considered as a temporary expedient, but they cannot refrain from pressing, under circumstances of such severe distress, the necessity of a reduction of the duty, unless some other effectual modes of relief shall be adopted. They are clearly of opinion, that if a practicable commutation of any part of the duty can be devised, such a reduction must afford relief to the planter, either by diminishing his charges to that amount, if the market price should continue unaltered, or by encreasing the number and competition of consumers, if the price should fall.—In this view your Committee recommend to the serious attention of the house a regulation of the duty on sugar, to be governed by the average price taken at stated periods, under the authority and directions of the legislature. A principle which they find recommended by a committee of the house of commons, in their report presented 24th July 1807; and again, with some variation of detail, suggested in the report of the house of assembly of Jamaica, dated 13th November 1807,—Your Committee understand that a bill, materially reducing the duty on coffee, is now in its progress through the house, and have not therefore thought it necessary to enter into any particular investigation on that subject. They cannot, however, refrain from expressing their opinion, that this measure, in as much as it may tend to increase the consumption of coffee, will not only benefit the grower of that article, by relieving the market from the present glut, but may prove of ultimate advantage to the grower of sugar, by withdrawing a proportion of the negroes to another object of cultivation. It must also tend to the additional security of the Islands, by increasing the number of that middling class of white settlers, upon whom their defence so greatly depends.—Your Committee having now gone through the consideration of all the measures that have been suggested to them in pursuance of the orders of the house, before they close their final report, feel it to be their duty to state, that nothing has occurred since their appointment which has opened the prospect of any improvement in the situation of the West Indian Body; and therefore they cannot forbear to press on the serious consideration of the house the several reports that have been laid on your table.

First Report from the Select Committee on the Affairs of the East India Company.—*Ordered to be printed 25th May* 1808.

The Select Committee appointed to enquire into the present State of the Affairs of the East India Company, and to report the same, as it shall appear to them, to the House, with their Observations thereupon, and also to report their Proceedings from time to time to the House; and to whom several Accounts and other Papers presented to the House, respecting the Revenues and Charges, and the commercial Concerns of the East India Company; and also the Petition of the United Company of Merchants of England trading to the East Indies, were severally referred:—Have, pursuant to the Orders of the House examined the matters to them referred, and have agreed upon the following Report.

THE utmost diligence which your Committee have been enabled to bestow upon a subject of such extensive detail, as an enquiry into "the present state of the Affairs of the East India Company," would not have been sufficient for its full investigation within the period which has elapsed since their appointment, even if many of the most necessary documents, as to the state of the Company's Affairs in India, had not been received so recently as to preclude the possibility of their being examined with that degree of accuracy, care, and attention, which the complicated nature, not less than the importance of the subject, indispensably requires: your Committee are still engaged in the consideration of the various matters comprehended in the general object of their enquiry, and will from time to time submit their observations thereupon to the house; but in consequence of the Petition which the Company have presented to the house, and which has been referred to your committee, they have deemed it advisable, in the first instance, to advert to the allegations of that Petition, including not only those which refer exclusively to the balance claimed by the Company as owing to them by the public, but also such as relate to the general state of their affairs, and to report upon the same, as far as the progress which your Committee have been enabled to make in their enquiry, has, in their apprehension, justified the Observations which they now offer to the consideration of the house.—Your Committee, finding it stated in the Petition from the Company, as one of the causes from which the present embarrassment in their pecuniary concerns had arisen, that a large balance of Debt remained due to them from the public, on account of various expences incurred for expeditions to the French, Dutch, and Spanish settlements in the Indian seas, and to Egypt, have proceeded, in the first instance, on the investigation of the Account between the public and the Company. Your Committee find, that in the report made by a former Committee upon this subject, on the 26th day of June 1805, and now referred to your Committee, the several heads of charge upon which the claims preferred on behalf of the Company were founded, are arranged in the following manner, in three Classes, according to the nature of the circumstances and transactions out of which they have respectively arisen. The first class composed of such heads of charge as should fall, in the opinion of the Committee framing that Report, exclusively on the public; the second, of such as should be borne exclusively by the Company; and the third, consisting of charges to be divided equally between both parties.—*First Class,* chargeable to the public.—"An Account of Expences incurred by the East India Company in India and England, for the intended Expedition to the French Islands, and for the Expedition against and Supplies to the Cape of Good Hope. An Account of Expences incurred by the East India Company, for the intended Expedition against Manilla. An Account of the Expences incurred by the East India Company, for the purchase of Vessels for his majesty's navy, Repairs to King's Ships, &c. &c. An Account of the Expences incurred by the East India Company, by the capture of the Danish Settlements in India, in 1801. An Account of the extraordinary Expences incurred by the East India Company, by the Expedition to Egypt, over and above the charge of the troops in India. Ceylon balance of property, December 1801, and remittances from India subsequent to that date; also the expence of the capture of the said island." *Second Class,* chargeable to the Company.—An Account of the Expences incurred by the East India Company, in consequence of various captures made from the French and Dutch, on the peninsula of India, including Subsistence of Prisoners. An Account of the King's Troops in India, beyond the number authorized by acts of parliament. *Third Class,* to be equally divided.—An Account of the Expence incurred by the capture and maintenance of Malacca and the Moluccas, and for the maintenance of Ceylon, deducting the profit on spices."—The said Report further states the determination of that Committee, concerning the rates of interest to be allowed upon the several sums appearing on the different sides of the account, as follows: " Your Committee have thought it reasonable, that the Company's claims, so far as they arise from an expenditure carried on in India by loans raised there, should be made up with the rate of interest paid by the Company abroad for the loan of the year in which the expence was actually incurred; and that the paymaster general's account should bear interest according to the rate paid by the public for money in Europe, in the several years in which the demands have accrued; credit is given on the other side of the account on all payments hitherto made by the public in discharge of these demands, at the same rate of Indian interest as that debited by the Company."—The Report then states the opinion of the said Committee, that, as far as they can judge, a balance of about 2,300,000*l.* would be owing by the public to the Company, according to the mode of stating and making up the account therein prescribed, and that the sum of 1,000,000*l.* might safely be voted by the house on account. But it was observed in the said Report, that the accounts on which the opinion of the said Committee (in regard to the amount of what might prove due to the Company had been founded) would require revision; and it was recommended, that an accountant should be nominated on the part of the Treasury, and another on the part of the Company, to examine and make up the account according to the principles therein specified, previous to the final balance being discharged; and it was also strongly recommended, that frequent and early adjustments of accounts should take place between the public and the Company.—Your Committee find, that the sum of 1,000,000*l*, was accordingly voted in that session of parliament, and paid to the Company, and that in conformity to the recommendation contained in the said Report, accountants were named on the part of the public and the Company respectively, for the purpose therein mentioned, who appear to have entered without delay upon the duties assigned to them. The discussions which took place between them on the subject of these accounts, will be found in the Appendix.—Your Committee find that, in the session of 1806, another sum of 1,000,000*l.* was voted and paid to the Company on account; it appearing by a letter from Mr. Wittwer, the accountant named by the lords commissioners of the Treasury on the part of the public, to George Harrison, esquire, dated on the 25th day of June 1806 (which letter is referred to your Committee) that although, for reasons therein particularly detailed, no final adjustment of accounts could at that time be made between the public and the Company, the ultimate balance due to the latter would be found to exceed that sum.—Your Committee find, that additional claims and demands have arisen between the public and the Company, subsequent to the Report of 1805, above alluded to, some of which have accrued from a continuation to a later period of accounts and heads of charge then existing, and others from different circumstances and transactions which have since occurred.—Your Committee have applied, to those of the former description, the principles which they found laid down in the Report of 1805. The following charges, which have grown out of new matter since that Report, they have agreed, after due consideration, to include in the first class, as payable by the public: Expences incurred in India on account of the Chinese settlers at Trinidad.—Expences incurred on account of the Expedition to the Cape of Good Hope in 1805.—Supplies for the Expedition against Buenos Ayres.—Your Committee are also of opinion, that the charge of prisoners of war taken at sea by his majesty's ships, which does not appear to have been particularly noticed by the Committee of 1805, ought to be defrayed by the public, especially as the principle on which this claim is founded, seems to be recognized and admitted in the act of 1793, chap. 52. sect. 127.—Your Committee find that a new demand has also been brought forward on the part of the public against the Company for Victualling Stores furnished for the Company's service by the commissioners of victualling, or their agents.—Your Committee find, that the gross demand of the Company on the public, drawn up in conformity to what has been stated, with interest computed to the 1st March 1808, amounts, according to the best judgment which your Committee can now form, (several of the items of such demand being stated upon estimate) to the sum of 8,461,331*l.* and that the counter demand, on the part of the public, for advances of cash upon account (including the two sums of 1,000,000*l.* and 1,000,000*l.* mentioned in the former part of this Report) for disbursements by the Pay Office, and for supplies furnished by the Victualling Office, with interest computed to the same period, amounts to 6,960,912*l.* leaving a balance due to the Company from the public of 1,500,419*l.*—In the above sum of 6,960,912*l.* is included the sum of 3,082,755*l.* which is the amount of the claim of the paymaster general on the Company, including interest to the 1st March 1808, deducting therefrom the sum of 443,767*l.* hereinafter mentioned.—Your Committee cannot adduce a stronger instance of the necessity of attending to the recommendation of the Committee of 1805, as to the frequent adjustment of accounts between the public and the Company, than the mere statement of a claim to so large an amount, and which has moreover been only brought forward at a period so recent, that it has been, and for a considerable time must be, impossible for the accountants to examine in detail, and form an opinion on the accuracy of all the charges. There is every reason to believe, that the objections which have already been urged on the part of the Company to the Pay Office demands, and which are detailed in the Appendix to this Report, are in general well founded, especially as their validity has been strongly confirmed by a return which was laid before your Committee, from the office of the adjutant general, of the periods during which the different regiments were chargeable to the Company; and it is very possible, that, on further and more minute examination, by the accountants, other objections will be discovered. On these considerations, your Committee have thought it reasonable to suspend for further examination, such part of the Pay Office demand as has been specifically objected to on the part of the Company, which amounts to the sum of 443,767*l.* In concluding this part of the subject, your Committee have no hesitation in suggesting the expediency of repealing the clause in the act of 1793 (cap. 52, sec. 128.) which enacts, that the Company shall be chargeable with all the recruiting and other expences incurred in England, for regiments in India (which in practice has been found so difficult to adjust,) and substituting other provisions which might simplify the mode of stating the account, and consequently facilitate its frequent and early adjustment, and at the same time secure to the public an equitable compensation for that portion of its military expenditure.—Your Committee have annexed to this Report, a copy of the account between the public and the Company, containing a detailed statement of the particular items of which the two sums of 8,461,331*l.* and 6,960,912*l.* are composed.—Your Committee cannot, in justice to the Company, conclude this part of their Report, without calling the attention of the house to the remonstrances made against the mode adopted by the Committee appointed in 1805 to take into consideration the account between the public and the East India Company, as far as relates to the expences incurred by the capture and maintenance of Malacca and the Moluccas, and the maintenance of Ceylon; a mode of decision by which claims on the part of the Company, to no less an amount than 1,972,984*l.* have been set aside.—The arguments by which these claims were resisted and defended, and from which it is to be presumed the adjustment in question took place, will be found in the Appendix; and also, a statement prepared by the Court of Directors connected with the same subject.—Your Committee, under the order of reference made to them, have not thought themselves authorized to make any observations upon the principles on which the Committee of 1805 arranged the claims of the Company.—Your Committee have, however, thought it their duty, under all the circumstances of the case, to state the amount of what the Company maintain to be their just and unsatisfied demand.

Independently of the claim which the company have preferred against the public, for expences incurred in carrying into execution the orders which at different times have been transmitted to India, for expeditions against the settlements of such European powers as have been engaged in war with this country, and also to Egypt, your Committee observe, that in the above mentioned Petition various circumstances (all of which are connected with that state of war in Europe and in India) are represented as the causes which have produced the present embarrassments in the Company's affairs, and the grounds on which they pray for such relief as parliament may think fit to grant.—It will be evident from the examination of the several accounts contained in the Appendix to this Report, which exhibit a view of the Company's pecuniary concerns in England during the last ten years, when compared with the Estimate for 1808-9, that the deficiencies of the last and present year have proceeded from causes which have been progressive in their operation, and that the state of affairs which those accounts now exhibit, is to be traced to a combination of various circumstances connected with the wars in which the Company have been engaged in India, as well as with the general state of warfare in which a large portion of Europe has for a long period been involved. Your Committee have selected from the annual accounts of the Company's affairs at home, which have been presented to parliament during the last ten years, a comparative statement of Receipts and Payments in such articles as have experienced or admit of any considerable variation in their amount. It will appear from that account, that the present deficiency may be ascribed principally to the following causes:—1st. To the diminished sale of the Company's goods; the sum estimated to be received from such sales for the year 1808-9 being 1,394,589*l.* less than the average of the ten preceding years; 2,200,996*l.* less than the average of the first five years of that period; and 588,183*l.* less than the average of the last five years.—It would lead your Committee much beyond the limits within which they propose to confine this Report, if they were to enter upon the discussion of all the causes to which the gradual decrease in the amount of the Company's sales, during the last ten years, may possibly be ascribed. It will appear, however, from the account of sales during that period, that in the article of tea, which forms a large proportion of their whole trade, no diminution has taken place, but that it has chiefly occurred in the imports from India, and particularly in the different descriptions of piece goods. The increased consumption of cotton stuffs manufactured in Britain, and the advantages derived to neutral nations from the expence at which the trade to India must necessarily be carried on during war, as well as the obstructions inseparable from that state of war which has existed with little intermission since the renewal of the Company's charter in 1793, are the causes to which, in the opinion of your Committee, the diminished sale of Indian imports may principally be attributed.—2dly. To the increased expence of freight and demorage of the Company's shipping; the estimated amount of the same for the year 1808-9, being 276,251*l.* more than the average of the ten preceding years; 276,712*l.* more than the average of the first five years of that period; and 275,790*l.* more than the average of the last five years.—Whether the system now pursued by the Company, in the description of vessels which they have been accustomed to employ, is the most economical to them or the most beneficial to the country, or whether it is calculated to withstand the competition of foreign nations, are points on which your Committee are not yet prepared to pronounce an opinion; but which they consider to be of the highest importance, as they affect not only the commercial prosperity of the Company, but the permanent interest of the British empire, in the preservation and exclusive enjoyment of a valuable portion of its trade. In estimating this charge, to which the commerce of the Company is exposed, from the rate of freight, it must be recollected that the means of defence and consequent security which the size and structure of their ships afford to their valuable cargoes, and to the transport of troops and military stores, must necessarily be included in any comparison between the present and any other system which may be suggested.—3dly. To the increased amount of Bills of Exchange drawn on the Company in England from India and China; the estimated amount of which for the year 1808-9 being 725,408*l.* more than the average of the ten preceding years; 521,970*l.* more than the average of the first five years of that period; and 928,845*l.* more than the average of the last five years.—It is unquestionably to those heavy drafts from India and China on the Company's treasury at home, that the largest portion of the deficiency in their funds during the last and present year must be ascribed. Your Committee have been informed, that in consequence of arrangements which the Court of Directors have adopted, and of orders which they have transmitted to China, the amount of Bills from thence is not likely to increase, and that in all probability it will fall considerably below the average of former years. Your Committee have not been enabled to form any such expectation with regard to the amount of Bills from India. Any interruption in the tranquillity of the Company's territories would create increased demands on their treasury at home, which can only be effectually avoided by a surplus revenue in India. The attainment of that object, either by a reduction of expenditure or by additional revenue, or by the operation of both those causes, is indispensable to the maintenance of the Company's credit and power in India; and to this important subject your Committee will, without delay, direct its most serious attention.—Your Committee have confined themselves in this Report to a statement of the principal causes which have produced the present deficiency. There are others, however, of inferior amount, which have contributed to augment it. The charge of payments to military and marine officers retired from the service has been gradually increasing for several years, and amounts now to a sum much beyond the calculation which was formed of it when the system was first established.—The addition to the Company's bonded debt has also contributed to swell the deficit, by the increased charge for interest.—With the view of enquiring into the practicability of retrenchment in expenditure, your Committee have called for the detail of the articles comprehended under the head of "Charges General," which, in the aggregate, amounts annually to a very considerable sum.—As far as your Committee have yet investigated this account, they have found no reason to believe that it is capable of any material reduction, but they propose to go into a more detailed examination of the particular articles of which it consists. And, entertaining this intention, they forbear at present laying before the house any thing more than an abstract of the account, and of its principal subdivisions for the last three years, as it has been prepared by the court of directors.—The company having stated in their petition, that they did "not presume to request the interposition of the house to aid them in their present emergency, without at the same time shewing their unquestionable ability to discharge all their present debts in England, and to repay whatever the house may in its wisdom think fit to assist them with;" and having submitted to the house a statement in that petition, by which it appeared that a considerable balance would remain to them, after making provision for the payment of all their debts in England, but exclusive of their Indian debt; your Committee felt it their duty carefully to investigate that part of the subject, and they have no difficulty in stating an opinion, that there will remain assets in this country to an amount considerably beyond what the present exigency of the company's affairs appears to demand, in security for any advance to that extent which parliament may think fit to grant. Your Committee have prepared an account of the probable assets of the company on the 1st March 1809, in which the amount of debt due to them by the public, as the balance of their account, is taken only at 1,500,419*l.* instead of 2,460,000*l.* which the company claims, and in which nothing is allowed for their property afloat, and which will arrive in England subsequently to that period, though a large portion of the charges affecting that property will be incurred and paid during the current year. Estimating the amount in that most unfavourable mode, there will remain a balance of 2,819,587*l.* in favour of the company. If credit however is given for the value of that property, and the sum due by the public is stated at the amount claimed by the company, the estimated balance in their favour will be 9,050,587*l.*—The value of the East India house and warehouses has been stated by the company's surveyor, whose evidence on that subject is inserted in the appendix.—It will be apparent to the house, from the examination of those accounts, that the most accurate estimates which can be formed of such articles of receipt and expenditure as are comprehended in them, must be liable to uncertainty; but your Committee have no reason to doubt, that every practicable degree of caution has been used in preparing them. —Your Committee have already stated, that they are proceeding upon the detailed investigation of the various matters comprehended in the general object of their enquiry, and which embrace the whole of the financial and commercial as well as political concerns of the company. An examination into the civil and military establishments in India, will form a material branch of that enquiry; and your Committee are already impressed with the necessity of carrying into effect reductions in the amount of those establishments to a very considerable extent. Your Committee are happy to add, that this important subject has also engaged the serious attention of the court of directors, and of their governments abroad.

First Report from the Committee on the Laws relating to Lotteries.—*Ordered to be printed* 13*th April* 1808.

> The Committee appointed to enquire how far the Evils attending Lotteries have been remedied by the Laws passed respecting the same; and to report their Observations thereupon, and upon such further Measures as may be necessary for Remedy thereof; and who were empowered to report their Opinion thereupon, from time to time, to the House;—

HAVING been employed in collecting information, and examining witnesses on the matters referred to them; and having duly weighed and considered the same, have come to the following Resolutions:—Resolved, That it is the opinion of this Committee, That (in case it shall be thought expedient to continue state lotteries) the number thereof in each year should be limited to two lotteries, of not more than 30,000 tickets each; that the number of days allowed for drawing, instead of ten, the present number, should be brought back to eight for each lottery, the number fixed in 1802: that the number of tickets to be drawn each day should be uncertain, and left to the discretion of the commissioners of stamp duties, and kept secret till the close of the drawing each day, care being taken, as the lottery proceeds, not to leave too great a number undrawn on the latter days of drawing, but that one moiety or upwards be drawn on the four first days thereof.—Resolved, That it is the opinion of this Committee, That no person should be allowed to deal in lottery tickets without a licence for that purpose from the commissioners of stamp duties, and that the provision to that effect, in the second section of 22 Geo. III. cap. 47, repealed in 1802, and not renewed in the late acts, should be re-enacted, with this addition, that every licensed lottery office keeper should be allowed to take out from the stamp office, in addition to his own licence, a limited number of licences for agents, with a stamp duty of about one-tenth of that paid by himself, in the proportion of two such agents licences, for every 150 tickets shared by him at the stamp office; and that all persons should be forbidden, under a heavy penalty, to act as agents for any lottery office keeper, or to deal in lottery tickets, except persons so licensed.—Resolved, That it is the opinion of this Committee, That in order to prevent persons setting up licensed lottery offices as a cloak for carrying on illegal insurances, the number of tickets required to be shared in each lottery, in order to entitle the parties to a licence, should be extended from thirty to one hundred and fifty; and that such licences should be renewed for every lottery, upon the parties continuing to share that number of tickets.—Resolved, That it is the opinion of this Committee, That the limitation of hours during which lottery offices may be open for the transaction of business, viz. from 8 o'clock in the morning till 8 o'clock in the evening, enacted by 22 Geo. iii. cap. 47, and renewed in the lottery acts of 1802, and the three following years, but omitted in those of the two last years, ought in future to be re-enacted, without the exception therein made with respect to Saturday, when lottery offices ought to be shut at as early an hour as on other evenings.—Resolved, That it is the opinion of this Committee, That all persons concerned in hawking about lottery tickets and shares for sale, in distributing hand-bills respecting lotteries otherwise than in the offices of licensed persons, in illuminating lottery offices for outside show, in exhibiting lottery schemes and bills upon boards, carts, or carriages, in town or country, should be subjected, on conviction before a magistrate, to a considerable penalty, and in default of payment to imprisonment for a limited period.—Resolved, That it is the opinion of this Committee, That the exemption of licensed lottery office keepers, from the jurisdiction of justices of the peace, and police magistrates, by inserting in sec. 34 of the last lottery act, the words, "if not licensed to divide tickets into shares in the manner aforesaid," is inexpedient, and ought to be discontinued; and that such lottery office keepers ought in future to be subjected in common with other persons to such jurisdiction.

Your Committee are still engaged in collecting evidence on the subject of clandestine insurances and other illegal practices, which, notwithstanding the measures adopted at different times for their prevention, appear still to be carried on to a considerable extent; but not having finished their enquiries, they defer for the present making a final report on the matters referred to them.

SECOND REPORT ON LOTTERIES.

Ordered to be printed 24th June 1808.

THE Committee, &c.

HAVING made a report to the house, in the month of April last, at the conclusion of which they informed the house, that they were still engaged in collecting evidence on the subject of clandestine insurances and other illegal practices; which, notwithstanding the measures adopted at different times for their prevention, appeared still to be carried on to a considerable extent. Having collected all the evidence which they have deemed material for the formation of a judgment upon the different points submitted to their consideration, have agreed upon the following Report.

Your Committee beg to call your attention to the evidence contained in the appendix, and more particularly to that of Mr. Wood, an officer appointed and paid by government, under the title of "Inspector of Lotteries," from whom your Committee might have expected to derive the most material and satisfactory information upon all the matters referred to them; and more especially upon the steps he had lately taken in the execution of the duties of his office. It is manifest, however, that since the year 1802, when the scheme of the lottery was altered, the inspector of lotteries has performed no duties; and he has declared to your Committee that there do not appear to him to be any duties incumbent upon him to perform. Your Committee have been further informed by Mr. Wood, that he believes, by the regulations adopted since the year 1802, the evils arising from the lottery have been done away, and illegal insurances suppressed. But the examination of many other witnesses has proved to your Committee that the information so given, by what your Committee had a right to rely on as the most competent authority, is unfortunately altogether erroneous; and your Committee have collected the reasons why information more to be depended upon has not been obtained from the source in question; for the details of which they refer you to the evidence itself.—Your Committee are compelled to state, that the evils of clandestine insurance appear to them to prevail to a much greater extent than they had reason to suspect when they made their first report in the month of April last; and it now appears fairly questionable whether the number of persons concerned in such practices has materially diminished, or the sums adventured have been at all decreased. The greater privacy with which the transactions are conducted of course makes every inquiry into their existence exceedingly difficult, whilst it produces combination, and renders the invention of any real remedy the more hopeless.—Your Committee have applied themselves with great assiduity to that part of their instructions by which they are directed to report upon such further measures as may be necessary for the remedy of the evils attending lotteries; and they submit to the house some account of the law, together with such observations and suggestions as have occurred to them thereupon.—An act was passed (22d Geo. iii. c. 47.) and was intituled, "An act for licensing lottery-office keepers, and regulating the sale of lottery tickets."—The breach of the law was punished by penalties, recoverable before two magistrates, "and the usual powers were given for the recovery of the same, in case of non-payment, by warrant of distress and sale, and for want of sufficient distress, the offender to be sent to the house of correction, for any time not exceeding six months nor less than three, unless the penalty should be sooner paid." A power of mitigation was given to the magistrates, and no penalty could be recovered, unless the offence had been committed within twelve months preceding the commencement of the prosecution.—No alteration in the law, with respect to illegal insurance in lotteries, was made until the year 1787, when an act (27th Geo. iii. c. 1.) was passed, for rendering more effectual the laws now in being for suppressing unlawful lotteries. In the preamble to the last-mentioned act, the 8th Geo. i. c. 2. the 12th Geo. ii. c. 28. and the 22d Geo. iii. c. 47. are recited; and it is further recited, "that great difficulties have arisen upon the methods of conviction of offenders against the said recited acts before justices of the peace, and many evasions of the said recited acts are daily put in practice;" and it was by the 2d sect. enacted, "That from and after the passing of the said act, no pecuniary penalties incurred by any person concerned in lotteries should be recovered before any justice, but might be sued for by action in any of the courts at Westminster, and one moiety of the penalties, when recovered, should be applied for the use of his majesty, and the other moiety to the person who should sue for the same; and power was given in every such action to hold the offenders to bail, for any sum not exceeding *500l.*"—All persons engaged in illegal insurance might also, under the authority of the 3d sec. of the last-mentioned act, be deemed rogues and vagabonds, under the 17th Geo. ii. c. 5.; and power was given to the magistrates before whom any person should be prosecuted as a rogue or vagabond, to commit the person so prosecuted to the house of correction, there to remain until the next general quarter sessions; and the justices are then to investigate the merits of the case, and to proceed according to the provisions contained in the 17th Geo. iii. In consequence of the representations which were made, of the extent to which common informers, aided by attornies, had abused the powers given by the 2d sect. of the 27th Geo. iii. c. 1. it was enacted, by an act passed in the 33d Geo. iii. c. 62. sect. 38. "That from and after the commencement of the said act, it should not be lawful for any person to commence or prosecute any action for the recovery of penalties inflicted by any of the laws touching or concerning lotteries, unless the same should be commenced in the name of his majesty's attorney general." And by sect. 40 of the same act, it was enacted, "That if any person should be brought before two magistrates, and should be convicted of any offence against the statute of the 27th Geo. iii. whereby he should be adjudged a rogue and vagabond, the said magistrates should commit such offender to the house of correction, there to remain for any space of time not exceeding six calendar months nor less than one month, and until the final period of the drawing of the lottery, in respect whereof such offence should be committed; and that the proceeding should be without appeal, and not removeable by Certiorari, or otherwise into any court whatsoever."—No evidence has been given to the committee to show what were the difficulties which occurred in the conviction of offenders under the 22d Geo. iii. c. 47. and the acts recited therein; but it appears from the preamble to the 27th Geo. iii. c. 1. that difficulties had occurred, and that many evasions of that act had been put in practice. It is therefore reasonable to presume that the provisions of that act had been found insufficient to suppress the practice of insuring in the lottery. In the hope therefore of more effectually suppressing the evil, the 27th Geo. iii. c. 1. was passed; but it appears from the evidence of Mr. Estcourt, and more especially from the letter from the under-sheriffs of Middlesex, addressed to him, and contained in his evidence, that the provisions of that act had been perverted to the purposes of extortion, and had been productive of very serious evil.—In order to counteract this new evil, the 30th Geo. iii. c. 62. sect. 38. was passed, directing that no action should be commenced or prosecuted, except in the name of the attorney general.—In consequence of the limitation, prescribing that all actions shall be commenced and prosecuted in the name of the attorney general, very few actions have, as appears from the evidence given to the committee, been commenced since the passing of the last-mentioned act, although there is no doubt that insurance in the lottery is still carried on to a great extent.—The evidence which has been given with respect to the practical inconveniencies resulting from the provisions of the 27th Geo. iii. proves, that it would be impolitic again to have recourse to the provisions of that act, and yet it is very difficult to suggest any middle course between limiting the power of commencing actions to the attorney general, and giving that power to common informers. In the one case, there will probably be reason to complain of inactivity in enforcing the law, and in the other, of a corrupt and mischievous perversion of it. It might perhaps be proper to authorize the police magistrates, and the magistrates of the city, to direct actions to be commenced, when evidence to warrant that direction shall have been given upon oath before them. This however would be a novel and perhaps an improvident power to grant, and considerable difficulty would occur in carrying the principle into effect.—By the 27th Geo. iii. all persons engaged in illegal insurance might be treated as rogues and vagabonds, under the 17th Geo. ii. c. 5. and the magistrates had the power of committing them to the house of correction until the next general quarter sessions. It appears from the evidence given to the committee, that in the interval between the commitment and the trial, the witnesses were generally tampered with or removed, and conviction became impossible. In order to obviate this difficulty, a power was given by 33 Geo. iii. to two magistrates, to commit such persons to the house of correction for any period not exceeding six months nor less than one, and until the end of the drawing of the lottery, in respect of which the offence had been committed; and the proceeding was without appeal, and not removable by Certiorari or otherwise into any other court. From this enactment, it appears that the legislature has been under the necessity of granting very large and extraordinary powers to magistrates, in order to diminish the evil arising from insurance in lotteries, and the circumstances which gave rise to it shew that no pecuniary means are wanting to enable those who are engaged in this practice to evade the punishment of the law.—Your Committee have to lament that it is not in their power to furnish to the house any more satisfactory result of this part of their labours: but when it was recollected that for many years past the attention of the most acute and ingenious persons, well acquainted with the whole of the lottery system, both legal and fraudulent, under the auspices of successive ministers, have been directed to this object without success; that it has been represented to your Committee, that the lottery and illegal insurances are inseparable; that the former cannot exist without the latter for its support; that a system of connivance in those acts which the law prohibits pervades all ranks concerned, from the persons contracting with government under the law, down to the meanest wretch employed in the violation of the law, and its most ordinary victim: your Committee did not enter upon this matter with much prospect of success, and do not therefore feel any very great disappointment at the issue. They are persuaded the house will not impute to them any want of attention to the subject, or zeal in the execution of their duty.—In truth, the foundation of the lottery is so radically vicious, that your Committee feel convinced that, under no system of regulations which can be devised, will it be possible for parliament to adopt it as an efficient source of revenue, and at the same time divest it of all the evils and calamities of which it has hitherto proved so baneful a source.—A spirit of adventure must be excited amongst the community, in order that government may derive from it a pecuniary resource. That spirit is to be checked at a certain given point, in order that no evils may attend it—the latter object has not hitherto been attained with all the pains which have been bestowed upon it. Your Committee are of opinion, that its attainment is impossible.—The ingenuity of persons interested in breaking the law, is always upon the watch for its new enactments, and has hitherto always baffled the sagacity of the legislature. Added to which, there can be no hope of greater purity amongst the persons employed to detect and bring offenders to punishment than has been hitherto experienced, or than now exists. The statute book is burthened with regulations entirely repugnant to the spirit of the constitution, rigorous and oppressive in the extreme, which, if they are ever executed, fall only upon the ignorant and destitute, whilst the wealthy and more profligate hold them in utter contempt: and this unseemly state of things is allowed to continue, in order that the state may derive a certain annual sum from the partial encouragement of a vice, which it is the object of the law, in all other cases, and at all other times, most diligently to repress.—In the mean time, your Committee find, that by the effects of the lottery, even under its present restrictions, idleness, dissipation and poverty are increased, the most sacred and confidential trusts are betrayed, domestic comfort is destroyed, madness often created, crimes, subjecting the perpetrators of them to the punishment of death, are committed, and even suicide itself is produced, as will fully appear by the evidence submitted to the house. Such have been the constant and fatal attendants upon State Lotteries, and such your Committee have too good ground to fear will be their invariable attendants so long as they are suffered, under whatever checks or regulations, to exist.—The question naturally occurs to your Committee, whether any pecuniary advantage, however large or convenient, can compensate to a state for the amount of vice and misery thus necessarily produced by the levy of it.—The answer to this question is submitted to your wisdom and deliberation. But in order that the house may come to a decision, in every view so important to the interests and happiness of the community, without prejudice, your Committee cannot conclude without expressing a decided opinion, that the pecuniary advantage derived from a state lottery, is much greater in appearance than in reality. When we take into consideration the increase of poor's rates arising from the number of families driven by speculations in the lottery, whether fortunate or otherwise, to seek parochial relief, the diminished consumption of exciseable articles during the drawings, and other circumstances deducible from the evidence, they may well be considered to operate as a large deduction from the gross sums paid into the Exchequer by the contractors. On the other hand, the sum raised upon the people is much greater in proportion to the amount received by the State, than in any other branch of revenue. —No mode of raising money appears to your Committee so burthensome, so pernicious, and so unproductive; no species of adventure is known, where the chances are so great against the adventurer; none where the infatuation is more powerful, lasting, and destructive.—In the lower classes of society the persons engaged, whether successful or unfortunate, are, generally speaking, either immediately or ultimately tempted to their ruin; and there is scarcely any condition of life so destitute and abandoned, that its distresses have not been aggravated by this allurement to gaming, held forth by the state.—Your Committee are conscious that they are far from having exhausted all the grounds upon which it might be urged, that the lottery ought not to be resorted to as a financial resource. The reasoning upon them appears to your Committee to apply with peculiar force to the situation, the habits, and all the circumstances of a great manufacturing and commercial nation, in which it must be dangerous, in the highest degree, to diffuse a spirit of speculation, whereby the mind is misled from those habits of continued industry which insure the acquisition of comfort and independence, to delusive dreams of sudden and enormous wealth, which most generally end in abject poverty and complete ruin. If after all that has been stated, and a perusal of the evidence, the house shall think proper to sanction the adoption of the lottery in any future session of parliament, your Committee recommend to your consideration the various suggestions contained in their two Reports for the alteration of the law, from which they are willing to hope, at least, that some beneficial selection may be made. But they cannot flatter themselves with the expectation that they have been much more fortunate than the able persons who have applied themselves with so much industry and so little success to the same subject, and to whom the public are indebted for their attempt to correct the evils, which, in the opinion of your Committee, can only be done away by the suppression of the cause from which they are derived.

THIRD REPORT FROM THE COMMITTEE ON THE PUBLIC EXPENDITURE, &c. OF THE UNITED KINGDOM.*

Third Report from the Committee, appointed to examine and consider what Regulations and Checks have been established, in order to control the several branches of the PUBLIC EXPENDITURE in Great Britain and Ireland; and how far the same have been effectual; and what further measures can be adopted for reducing any part of the said expenditure, or diminishing the amount of Salaries and Emoluments, without detriment to the PUBLIC SERVICE.—*Ordered to be printed 29th June* 1808.

THE House having, by an instruction of 7th July 1807, directed the attention of your Committee to all pensions, sinecures, and reversionary grants paid out of the public revenue, or out of any funds applicable to the public service, it has been judged proper to lay separately before the House, the result of their inquiries upon subjects of such importance.—Allowances paid out of public money to persons not actually performing service, have at various times attracted the notice of parliament.—Towards the close of the American war, when the burden of expense pressed with extraordinary weight upon the resources of the country, and when application was made to parliament to discharge the debts of the civil list, a more vigorous and decided step was taken than had characterized any former interposition of parliament; and in the attempt 'to regulate the civil 'list, and to prevent the same from being 'in arrear for the future,' by 22 Geo. 3. c. 82. this growing branch of expenditure was not overlooked.—It was endeavoured to obviate the excess of such grants by limiting their amount, and their abuse, by giving publicity to them: it was accordingly enacted, 'That no pension, exceeding the sum of 300*l.* a year, should be 'granted for the use of any one person, 'and that the whole amount of the pensions granted in any one year should not exceed 600*l.*; a list of which, together with 'the names of the persons to whom the 'same were granted, should be laid before 'parliament in twenty days after the beginning of each session, until the whole 'pension list should be reduced to 90,000*l.* 'which sum it should not be lawful to exceed by more than 5,000*l.* in the whole 'of all the grants; nor should any pension 'to be granted after the said reduction, to 'or for the use of any one person, exceed 'the sum of 1,200*l.* yearly, except to his 'majesty's royal family, or on an address 'of either house of parliament.'—The efficiency of this measure did not entirely correspond with the expectations which were entertained of it, and it was found necessary to bring the subject again before parliament some years afterwards, when the annual provision for the civil list became insufficient for the charges to which it was liable.—The regulations which the civil list act contained, were not ill calculated to effectuate their object; it was highly expedient to bring all pensions under one head; to have them paid at the same office, and to prohibit the diffusing of them over various departments, where they might be more likely to escape notice, than if they were distinctly classed with allowances of their own denomination.

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* The First and Second Reports of the Committee of Finance will be found in the Appendix to vol. ix.

PENSIONS.

The pensions considered by the board of treasury as coming under the operation of the 17th clause of the civil list act, are contained in Appendix No. 1.; and your Committee have the satisfaction of remarking, that their total amount, being 89,067*l.* (which includes 7,085*l.* of contingent or floating grants, and not at this time in a course of payment) is within the sum allowed. In 1804 the total amount of pensions, having reference to this clause, was 82,237*l.* as appears by the list printed at length in the Journals, vol. 59. and recapitulated p. 717.

A list of all other pensions paid at the Exchequer out of the civil list, or any other funds, is given in N° 2.

The pensions payable by Treasury Warrants out of the 4½ per cent. duty, which are included in N° 2, stand upon a different footing from the others; because that part of the hereditary revenue not having been given up to the public at the commencement of his majesty's reign, (Finance Rep. 23, pp. 11. 43), has been considered as continuing in the absolute disposal of the crown; but as this fund augments the general stock, which is applicable to royal bounty under the direction of government, it is fit, in that point of view, not to be omitted. The amount is 15,331*l.* including two contingent pensions of 1,500*l.* and 3,000*l.* not now in a course of payment.

N° 3, and 4 give lists of other pensions paid out of the 4½ per cent. duty, by the husband, amounting, in the year 1807, to 20,896*l.* besides which it is charged with two contingent pensions of 615*l.* each, not now in a course of payment.—In the 59th vol. of Journals, p. 766, 767, are accounts of the produce, for three years, of this duty, to 1st Jan. 1804, and the charges thereon, together with the sums paid into the exchequer.

N° 5, shows the pensions granted in the War-Office, chiefly by his majesty's authority, through the Secretary at War; the whole amount of which is 5,640*l.* and they are all granted to those who have been formerly employed in the business of that office. This sum is now covered in the annual vote of the Establishment of the War-Office; but it deserves consideration, whether, in future, the Salaries and Pensions paid in this department ought not to be distinguished in the Annual Estimates from the current Expences.

The Compassionate List, and other allowances paid at the War-Office, are concontained in N° 6; the annual amount is - - - - - - - - - - £.5,163.

N° 7. Pensions to Officers' Widows, including Paymaster's Poundage £.36,672.

N° 8. Pensions paid out of the Revenues of the Isle of Man, amounting to £.560.

N° 9, out of the Revenues of Gibraltar - - - - - - - - - - - - £.692.

Out of the Revenues of Ceylon, 480*l.* paid to the Widow of an Officer, and to a retired Civil Officer of the Dutch East India Company.

Out of the Revenues of Lower Canada

(according to the Journals of the House of Assembly of that province, printed at Quebec 1807)—Pensions for Services performed, or to Widows, &c. pursuant to orders from the Secretary of State, or Lords of the Treasury - - - - - £.2,537.

N° 10, contains a list of Allowances granted by Treasury Minutes, and payable out of the Civil List, and other funds, but not included in either of the former returns: The amount is - - £.3,150.

It appears by Journal, vol. 59, p. 677, that Allowances to retired Officers of the Treasury, which are now charged on the Fee Fund, were formerly made in the shape of Pensions out of the Civil List.

N^os 11 & 12, exibit Allowances paid out of the Fee Fund of the Secretary of State, Foreign Department; the subsisting charge upon which, in case no parts of the payments were suspended, is £.2,515.

N° 13, belongs to the same Department, containing the Minute of Council, granting a Pension of 1,000*l.* charged upon the Establishment, and included in N° 11.

N° 14, gives the same account for the Colonial Department, amounting to 1,625*l*; including one floating Pension, not now in a course of payment, of 600*l.*

One Pension of 550*l.* included also in the above sum, is granted out of a fund, styled Extra Contingent, which is annually voted, to prevent overburthening the Civil List; for which service, in the last year (1807) 15,000*l.* was allotted, besides 12,000*l.* for extra Messengers.

N° 15, exhibits the same for the Home Department.—It is to be observed, that more of these Pensions appear to have the direct sanction of the Board of Treasury than those in the other two departments. The annual amount is - - - £.2,172.

N° 16, contains an account of Pensions payable on the Ordinary Estimate of the Navy, or granted by his Majesty's sign manual out of the sale of Old Naval Stores. A considerable proportion of these, being fixed Allowances to Sea Officers, or persons connected with the Naval service, according to a regular order of superannuation, your Committee wish to distinguish from others which appear in the same List; noting only, for the sake of the general view of the whole subject, their total amount, which is - - £.62,884; viz.

To 25 Rear Admirals, superannuated, &c. according to a fixed rule - - - - - - - - - -	£.10,265
27 Captains - - - D° - -	5,913
50 eldest Lieutenants - D° - -	5,475
2 Physicians and one principal Surgeon - - - - - - - -	798
89 Masters; 68 Surgeons; 26 Pursers; 90 Boatswains; 100 Gunners; 105 Carpenters; 32 Cooks -	21,405
To Officers who have received wounds in the Service; viz.	
2 Admirals; 17 Captains; 38 Lieutenants; 2 Masters; 3 Surgeons; 2 Pilots; 22 Officers of Royal Marines - - - - - -	10,696
Mothers, Widows, and Children	1,465
D° - determinable on some contingency - - - - - - - -	4,515
Widows of Lieutenants - - -	500
D° - of Officers of Marines, and of Subalterns in the Navy, -	1,852
	£.62,884

Pensions, in the nature of Superannuations, to persons employed in the Civil Line of this department, such as Clerks to Secretaries of the Admiralty, Clerks of the Navy, Victualling and Sick and Hurt offices, and Clerks in the several yards £.5,906.

The same to Master Attendants, Master Shipwrights, Sailmakers, Mastmakers, Caulkers, Boatbuilders, and a variety of Artificers, Storekeepers, and Messengers employed in the Yards - - - £.6,306

Pensions to persons retiring from Office, on the Ordinary Estimate - - £.4,150.

Contingent Pensions on D° - - - 1,000.

Pensions to some of the same persons on the produce of Old Stores, 1,817*l.*—Total of Pensions on Old Stores, including the above 1,817*l.* - - - - - £.5,456

Contingent Pensions on D° - - 3,851

£.9,307.

Your Committee conceive that it may tend to encourage abuse, if such allowances as some of these should continue to be covered under the Ordinary Estimate of the Navy; and that the mode of giving Allowances out of the Fund produced by the sale of Old Stores, in some cases to the very same persons who receive Pensions on the Ordinary Estimate, requires, if not correction, at least constant attention and superintendence.

N° 17, shows the application of 85,115*l.* received in the year ending December 1806, from the sale of Old Stores and Ships in his Majesty's several Dock-yards.

List of Bills assigned on the Treasurer of the Navy - - - - - £.43,432 18 4

Payments by sign manual, in aid of the Salaries of the Offices of First Lord of the Admiralty, Treasurer of the

Navy, and Paymaster of Widows Pensions - - -	8,820	0	0
Pensions to Officers of the Navy, their Widows, and near Relatives - - - -	7,059	0	0
Miscellaneous Allowances to Officers on whom honours have been conferred, to pay the Fees thereon, to others to defray the Table or other Charges of Military or Diplomatic Persons whom they have conveyed to or from the several Stations of their Public Service - - - - -	13,802	16	0
Balance in hand, 31 Dec. 1806 - - - - - - - -	12,599	13	4
	£. 85,115	17	2

Your Committee cannot view without jealousy the Fund arising from the sale of Old Stores, which, in the year ending 31 Dec. 1806, amounted to 85,115*l*; and they suggest, that it would be more advantageous to the Public, if those Pensions, which have been usually granted out of this Fund, should be assigned only on the Ordinary of the Navy, and that the Treasurer of the Navy should be made debtor for the produce of Old Stores, under the head of Voluntary Account; by which means he would become accountable for the Arrears to the Exchequer, according to the practice which prevails with regard to Old Stores in the Ordnance.

Nº 18. Tax Office:—To superannuated Officers - - - - - - - - £. 1,900.

Nº 19. Office of Master of the Horse:—The highest of these Pensions is 30*l*. £.902.

Nº 20. Lord Steward's Office:—Annual Bounty - - - - - - - - - £. 1,661
Quarterly Dº - - - - - - - 1,781
£. 3,442.

Nº 21. Transport Office:—A Pension for relinquishing an Office in 1778, paid at the Treasury out of the Civil List, but not included in Nº 12. - - - - £. 100.

Nº 22. Excise:—A Pension in the nature of a Compensation for an Office in the Salt Duties - - - - - - - - - £.148
Another on the same Account - - 428
3 others on ditto; together - - 1,019
£. 1,595

The Pensions granted out of the hereditary Revenues of Excise, by Charles 2, and William 3, are omitted.

Nº 23 & 24. Muster Master General's Office.—Pensions granted, by virtue of letters from the Secretary at War, to Commissaries, &c. suppressed, in the nature of Compensations - - - - - - £. 1,966

Nº 25. A Pension of 100*l*. in lieu of a Place in the Salt-Office; which does not appear in the Excise List, nor in that of the Stamp-Office, returned to the Committee.

Nº 26. Pay-Office:—Four Pensions to Widows of Accountants, &c. granted by Treasury Letters; together - £. 1,100.

Nº 27. Post-Office:—Pension to a late Surveyor of the Customs, abolished £.511
Another Pension, on relinquishing the Office of Postmaster of Portsmouth - - - - - - - - - - - - 80
£. 590.

Nº 28. Stamps,—Pension as a Compensation to Clerk of Wine Licences £.50
The following are paid and included in the Bill of Incidents, in obedience to Treasury Warrants: To superannuated Officers and Persons employed in the Perfumery Duty, and other Duties which have been repealed, or transferred to other management - - - - - 3,080
£. 3,130.

The amount of Pensions payable out of the Land Revenue of England, and comprized under the denomination of "Perpetual Pensions," is contained in the 12th Report of the Commissioners of the Woods, Forests, and Land Revenues of the Crown, p. 66 to 69; and those out of the Revenue of North and South Wales, are in the same Report, p. 151 and 153. They are ancient charges upon those Revenues, and have been subject to no alterations since the date of that Report, except by the governments of Conway and Ludlow Castles being now vacant (to the former of which a Salary of 23*l*. and to the latter a Salary of 30*l*. was attached), and by the Stewardship of Cantermellenith, held by the earl of Oxford, having been granted, without the Salary of 100*l*. since 1795, when the late earl of Oxford died.

The Salary of 400*l*. payable annually to the Auditor for Wales, was transferred from the Civil List to the Land Revenue, by Treasury Warrant, in 1804 or 1805; and other annual sums, to the amount of 10,168*l*. have also been transferred, under the same authority, from the Civil List to the Land Revenue; the particulars of which are contained in Nº 29; and it appears that these payments properly belong to the Forests, Parks, or Land Revenue of the Crown.

ORDNANCE ESTABLISHMENT.

Gratuities for length of service to sundry Officers on the above Establishment, estimated and voted this year, 8,565*l*: the particulars of which are placed opposite to the names in the return of the Establishment, endorsed N° 751, among the papers of your Committee.

N°-30. The pay of superannuated and disabled men, half-pay of reduced Officers for good services, pursuant to his majesty's Warrants, according to the Estimate of this year (1808), voted by the house, amounts to - - - - - - - £.60,805

PENSIONS.—SCOTLAND.

N^os^ 31, 32, and 33, contain an account of the total Amount of Pensions paid out of the Civil Establishment of Scotland, in the year 1807, being - - - - £.38,588.

—together with a list of such of the above Pensions as were granted in the same year, amounting to - - £.2,834

Also, a list of of Pensions paid in 1806 amounting to - - - - - - £. 36,880

—together with a list of contingent Pensions, amounting to - - £. 2,600

Also, an account of the total Amount of Pensions in 1805, exclusive of contingent Pensions, being - - - - £. 36,086

Of the same in 1804, being £.34,679

It appears from an account ordered to be printed 18 June 1801, that the Amount of Pensions was, in 1801 - - £. 24,864

And from 30th Report Committee of Finance, appendix (A. 22.)

In 1797 - - - - £.23,862

And in 1761 - - - 5,940.

The Revenues out of which these Payments are made, and the authority as well as the general circumstances under which they are granted, require some observation.

The Civil List acts passed at the commencement of the last and present reign 1 Geo. 2, c. 1. 1 Geo. 3. c. 1. by which the hereditary revenues were surrendered in consideration of a fixed annuity, expressly reserved to his majesty the several duties and revenues which had been antecedently payable to the crown in Scotland, " in the same manner only and subject to the like charges as the same were subject to" in the immediately preceding reigns. —These Revenues constituted, antecedently to the Union, a fund applicable to the payment of the general charges of the Civil Establishment of Scotland; but laws were passed immediately after (7 Anne, c. 11. s. 10. and 10 Anne, c. 26. s. 108.) providing that the Revenues of Customs and Excise should be specially charged with the support of the Courts of Session, Justiciary, and Exchequer; on the professed ground, that, " since the Union, " the expense of keeping up the said " courts could be no otherwise provided " for."

The Customs and Excise are also charged with the expences of the Privy Seal, and of the Great Seal, although they are not mentioned in the acts referred to. The 20th Geo. 2, c. 43. s. 29. which abolished heretable jurisdictions, gave authority to grant competent salaries to the Sheriffs, but without specifying the fund out of which they should be defrayed. —(N° 38.)—These salaries have also been charged upon the Customs and Excise, though they seem more properly to belong to the reserved Revenues, since the Offices to which they are annexed make a part of the general Civil establishment. By 26 Geo. 3, c. 47. the salaries of the Chief Officers of the Court of Admiralty, and of the commissary court, whose emoluments before the passing of that act depended on fees of office, then abolished, were directed to be paid out of the same fund; 30th Report Finance Committee, Appendix (A. 5.)

N° 34. These reserved Revenues consist of new subsidy of Customs, which of course increases with the progress of Commerce; of the hereditary and temporary revenues of Excise, which depend on the quantity of Beer and Ale brewed in Scotland; of the seizures of customs; the fines and forfeitures of Excise; and of the Crown Rents and Casualties, all of which are subject to fluctuation. Their total net amount in three years, ending 10 Oct. 1807, was 209,371;—being on an average yearly - - - - - £.69,790.

N^os^ 35 & 36. Their total gross amount in the same three years was £.259,319.

N° 37. The difference between the gross and net amount of these Revenues arose from Bounties, Drawbacks, and other legal Re-payments, as well as Charges of Management.

N° 38. Their total gross amount for the three years 1761, 1762, and 1763, was 119,504*l*. - average £.39,834.

N° 39. The Charges to which they were liable in the year ending 10 Oct. 1807, were—1st. That of the Pension List, being then - - - - - £.36,506.

2nd. Certain Payments for the Civil Establishment of Scotland, unconnected with the Courts of Justice - - - - - - 8,762

And, thirdly, Payments for Miscellaneous Services - - -	8,575
	£. 53,843.

N° 40. In the year ending 10 Oct. 1806, the sum of 30,000*l.* being a surplus of this Revenue, was transferred to his Majesty's Civil Government in England (N° 41), by a Warrant for that purpose, and was applied (with the exception of 1,000*l.* to various purposes of the Civil List.

Your Committee perceiving that so large and increasing a proportion of these reserved Revenues has been applied to Pensions, and that under the present system there is no security against their further extension, have thought it their duty to direct their particular attention to this subject; which had likewise attracted the notice of the Committee of Finance in 1798, (30th Report, p. 15.) who adverting to the great increase of Pensions on the Civil Establishment of Scotland, even at that time, 'and to the comparatively 'small duties performed by many of the 'persons holding some of the offices,' thought it 'an object well deserving consi'deration, whether, instead of their being 'granted, as in some instances they ap'peared to have been, the emoluments 'thereof should not, as future occasions 'and as instances might offer, be applied 'in favour of persons who might have dis'tinguished themselves by great public 'service, or in ease of the funds applied 'to the Pension List, if the existing charges 'thereon, on a due examination, should be 'found necessary.'—The amount of pensions, which is already equal to more than two-fifths of the allowed pension list of England, ought clearly to be considered, in connexion with the emoluments of sinecure places and offices performed by deputy in Scotland, which amount to near 30,000*l.*; a subject which will come under more immediate consideration in a further part of this report.—By the articles of union, it was stipulated that certain branches of the ancient establishment of Scotland should remain; but although the duties of some of these offices have ceased, and those of others have been diminished, the ancient salaries and emoluments continue to be annexed, and in one instance (that of the Privy Seal) an addition of 1,500*l.* per annum was made in 1804, which is, however, professedly in the nature of an annuity, and to continue only so long as the present possessor shall continue to hold the office of keeper of the Privy Seal; being in substance an augmentation of the pension list, to which it has been added in the foregoing Account. It is payable out of a part of the reserved revenues called land rents and casualties; and the warrant has been already printed by order of the house, 5th March 1805.—As it appears from the foregoing statements, that the pensions granted by the crown in this part of the United Kingdom, as well as the reserved revenues out of which they are paid, have been considerably increased, your Committee are of opinion, that they should not have acquitted themselves of the duty imposed upon them, if they had not pointed out these subjects as matters which will well deserve the consideration of parliament, whenever the expenditure of the Civil List shall again become the subject of investigation; and if not precluded by the terms of the Civil List act, from interfering in any manner at present with the application of the reserved revenues, your Committee would suggest, that it might become the advisers of the crown to refrain from recommending any further increase of the pensions charged upon those revenues until occasion shall have been given for such investigation.—The number of persons receiving pensions in 1761 was 19; in 1797 it had increased to 185; and it now amounts to 331, exclusive of 24 contingent pensions. The present pensions, however are for the most part small, and about two-thirds are granted to females.—The Committee of Finance in 1798, remark on the delicacy with which a fund should be touched, which concerns the munificence of the sovereign, as applied either to the encouragement of learning and religion, to the remuneration of national services in the rewarding of public merit, or in the support of those branches of noble and respectable families, 'which the policy 'and principles of the British Constitution 'cannot suffer to fall into indigence.' 30. p. 12.—Your Committee by no means wish to repress the munificence of the crown as applied to the three first of these objects, nor even to exclude the last-mentioned consideration; but the undefined state of the reserved revenues appears to have encouraged a growing facility in granting pensions, which it may be, on a future occasion, important to restrain. It is obvious that a too general application of them 'to the support of the' (remoter) 'branches of noble and respectable fami'lies' even though the individuals who receive them should not be affluent, may serve to spare the funds of the opulent at the expence of the public, and may create an undue dependence upon those, in whose hands the distribution of royal munificence is vested.

N° 42, presents a Return of the Convention of royal Burghs in Scotland to an order, for an account of public money placed at the disposal of the Convention, in pursuance of the Civil List act, sec. 16. together with a statement of the application of the same.—The lords of trade and police in Scotland being abolished by that statute, it was enacted, 'that all sums under their management should be placed at the disposal of the Convention of royal Burghs;' it appears however that no such sums have been received, that considerable difficulty and delay occurred in procuring information, nearly five years having elapsed before the balance in the hands of the cashier to the late board (amounting in July 1783 to 858*l.*) was ascertained, that a demand to deliver up the records of the board, and to pay this balance, was resisted, on the ground that the act gave no power to receive such papers, nor to call on the cashier to account for his intromissions with the sums received by him during the existence of the board; that the board of police also represented that the same act authorised the Commissioners of the Treasury to grant annuities equal to the legal emoluments of the persons whose offices should be suppressed; (the expression of the act is 'who have diligently and faithfully executed the offices.') and that the cashier having been used to derive emoluments from the money in his hands, he could not continue to enjoy a compensation equal to his accustomed and legal emoluments, if the balance in his hands should be taken from him during his life; that the Convention commenced an action against the cashier in 1789 for his said balance, but relinquished it in 1791, from an unwillingness to incur expence in prosecuting a claim which might not be established.—The return further states, that 600*l.* per annum, formerly granted by the commissioners of the treasury to the board of police, which the Convention claimed, conceiving it to have been the only fund at their disposal, have, since the passing of the act, been granted to officers of the board, in compensation for the emoluments of the offices suppressed, of which 250*l.* only continue to be paid to four persons, of whom this cashier is one. (No. 43.) This payment having been for purposes purely local, seems to be a charge originally belonging more properly to the hereditary Scotch Revenue than to the civil list.—Your Committee submit, that so very unsatisfactory a return may require the attention of the commissioners of his majesty's treasury; and that the balance due from the cashier ought to be paid forthwith, or if it should be irrecoverable, that the annual payment to him of 100*l.* ought immediately to cease.

PENSIONS.—*Ireland.*

The total of pensions on the civil list of Ireland were, in the year ended 5th Jan. 1808, according to the annual printed finance account, p. 91 - - £. 89,639.

They were for the year ended 5th Jan. 1807 - - - - - - - - - £. 93,250.

An account was laid before the House, made up to June 1801 (and printed 16th June), with the names of the pensioners; the amount of which was - £. 112,166.

There were also two additional accounts printed 22nd Feb. 1805, of - - £. 1,200. and 6th Feb. 1807, of - - - £. 1,650.

In the 59th vol. of the Journals, p. 718, is a list of all pensions granted on the establishment of Ireland, up to the 1st Jan. 1804, specifying the date and continuance of each grant; to which your Committee are obliged to refer for particulars, not having received a return to their repeated orders, of the present state of the pension list. The amount on 1st Jan. 1804, according to that list, was 104,258*l.* exclusive of 104*l.* under the head of Charity, and 3,832*l.* in Military Pensions.—The civil list act, 33 Geo. 3 c. 34, directed the gradual reduction of the pension list to 80,000*l.*; but as it allowed an annual grant of pensions to the extent of 1,200*l.* in every year, there still continues an excess above the limited sum. In 1793, when the act passed, the total was - - - - - - - - - £. 124,000.

N° 44, contains a list of all additions and diminutions in the pensions on the civil establishment of Ireland, since 6th June 1801, of which the former amount to 8,400*l.* and the latter to 32,353*l.* making upon the whole a diminution of 23,953*l.* to be subtracted from the total given in the printed account for 1801; which would leave, as the total of the present pension list, 88,163*l.* but by the finance papers above referred to, the total was, on 5th Jan. 1808 - - - - - £. 89,639.

N° 46. Out of the Customs for the year ended 5th Jan. 1807 - - - £. 17,705.

The greater number of these are in sums not exceeding 20*l.*

In the printed finance papers for the year ended 5th Jan. 1808, p. 13, the salaries, pensions, and gratuities in the customs, exclusive of salaries on the establishment, are stated at - - £. 41,662.

N° 48. Out of the Excise for the year ended 5th Jan. 1807 - - - £. 5,993.

These pensions have been increased by 300*l.* or rather more, in each of the three last years.—They are in general in sums under 52*l.* and are all granted by the board, with the approbation of the lord lieutenant and lords of the treasury.—In the printed finance papers for this year, ended 5th Jan. 1808, p. 14, the salaries, pensions, and gratuities, payable out of the Excise (exclusive of salaries on the establishment) amounted to - £. 15,277.

N° 49. Pensions out of the Post-Office - - - - - - - - - £. 1,334.

N° 50. D° - - - out of the Stamp Duties - - - - - - - - - £. 1,496.

N° 51. Under acts passed in 1799 and 1800, pensions were granted to persons instrumental in suppressing the rebellion, to be named by the lord lieutenant; which amount at this time, subject to diminution by the extinction of lives, to - - - - - - - - - - - £. 2,700.

645. Pension contingent to Thomas lord Manners, now lord chancellor of Ireland - - - - - - - - - - £. 4,000.

Pension to John lord Redesdale, late ditto - - - - - - - - - - £. 4,000.

Pension to right hon. Geo. Ponsonby, ditto - - - - - - - - - - £. 4,000.

The description of pensions contained in N°s 11. 14. 15. and in 13, are of an objectionable nature, inasmuch as they are neither paid nor entered at the Exchequer under the head of Pensions; and in case of any deficiency in the Fee Fund they fall directly upon the civil list. These allowances are in some cases conferred by the head of an office upon persons in that office itself, without any other apparent control; and even where they have been granted by his majesty in council, although the instrument becomes more formal, all objection is not removed. They tend to confound two things, which ought always to be kept perfectly distinct, the necessary expence incurred for transacting the business of the executive government, and gratuities paid where no duty is annexed; they become indirectly a burden upon the civil list, and by escaping notice, under the general title of Establishment, may tend to divert a fund, which was wisely formed under the sanction of parliament out of the fees of office for the purposes of economy, into a source of patronage.—This fund was constituted in the year 1795, out of the fees and gratuities received in the offices of the three secretaries of state; and it has relieved the civil list from the burden of the fixed establishment of those offices, which was previously charged upon it (with the exception of such deficiencies as are now occasionally made up by the Civil List;) in consequence of which arrangement, a material saving has been obtained for the public, and the salaries in those offices, which were before liable to great fluctuations, have been fixed at a precise sum, considerably below the average of their former amount.—In N° 28, it has been observed, that pensions to certain persons formerly employed in the stamp office are paid and included in the bill of incidents, in pursuance of warrants from the board of treasury. Your Committee conceive that annual allowances ought not to be granted generally, and without special reasons, to persons retiring from official situations either by their own choice, or upon any new arrangement in the mode of conducting business; and that such grants become more particularly objectionable, if the practice should be allowed to continue of charging any allowances, beyond such as are superannuations in the strictest sense, among the salaries or incidents of any department, instead of classing and entering them as Pensions, so that they may be kept entirely distinct from the salaries paid for transacting the current business of the office.—Even when a meritorious officer has served for a number of years, he ought not to receive remuneration as a mere matter of course upon retiring, without taking into consideration the emoluments of the office, and the fortune which he may have had the means of acquiring in that service, as well as the particular circumstances of his case: but with regard to such as may be inefficient or useless (otherwise than in consequence of age or infirmity) special circumstances alone can justify the propriety of rewarding them, when it becomes convenient for the public service, that their situations should be filled by persons better qualified to discharge the duties.—Your Committee cannot but discountenance the principle of granting compensation for offices suppressed or abolished, the possessors of which have not either had an interest in them for life, or by the custom of such offices have been justly considered as having such a tenure in them.—With regard to the allowances made to those who were formerly employed in the collection of duties either repealed, or transferred to other management, it is impossible not to animadvert upon suffering persons to remain a permanent burden upon the public, if there has been any opportunity of placing them in other offices, where their qualifications and habits of business might render them useful, and deserving of salary. The warrants for most of these grants were in fact very properly drawn only "during the 'pleasure of the commissioners of the treasury, or until the parties are respectively 'otherwise provided for." The scale of all offices has necessarily been so much extended since the repeal or transfer of those duties, that little difficulty seems likely to have occurred in giving employment to all those individuals; and their situation would probably have been more frequently presented to the notice of the executive government, if the allowance had appeared in the shape of pension, instead of being included among the incidents of the establishment.—Since offices ought to be regarded as created solely for public utility, and not for the benefit of the individuals who happen to hold them, there must exist a perfect right in those who administer the affairs of the public, to regulate, alter, and control their functions; it becomes a duty to abolish such as appear superfluous, and to abridge the emoluments of all which can be conducted to the same advantage, but at a cheaper rate. Without the constant superintendence and vigilance of the house, irregularities in the granting of compensations and superannuations may from time to time creep in; but your committee conceive that it may be some check against this sort of expenditure, if all such grants, besides being brought as it were into one focus, where they may be viewed collectively, and distinctly, should also pass, without exception, under the review of the commissioners of the treasury, who being constitutionally responsible for all matters of expenditure, should be intrusted with a general control over every article of it, and armed with powers to prevent in every department any improper accumulation of charge.—The Committee on Finance, (22.) having observed, that it may materially conduce to the ends of public economy, if parliament should think fit to require annual accounts of every increase and diminution which may have taken place in the course of each preceding year in the salaries, emoluments, and expenses of all public offices, your Committee recommend that it should be made an Order of the house, that such an account shall be produced, within twenty days after the commencement of every session, and also an account of all additional Pensions and allowances paid for services not performed.

COMPENSATIONS.

Compensations for the loss of offices, which it has been judged expedient to abolish or regulate, afford another class of allowances paid for service not now executed; they exhibit a sum continually decreasing, as the lives of those entitled to them gradually fall in.—The Compensations printed in the Report upon the Civil List, were, for the year 1803, 11,663*l*; but there were included in that sum the annual and quarterly bounty in the Lord Steward's office, and small pensions in the office of Master of the Horse, which are here classed with the Pensions; and among the pensions and allowances enumerated in this Report, many will be found which might perhaps be classed, with equal propriety, under the title of Compensations.—The List of Compensations granted in Ireland on account of the union, with the particular periods during which the several offices were held by the persons receiving compensations, is printed in the 59th vol. of the Journals, p. 773.

The accounts of Compensation are from N° 53 to N° 62, in the Appendix.

In examining the several Lists, the observation of the house will naturally be attracted, in the first place, to the magnitude of the sum derived through various channels, to the use of persons not actually performing any species of public service. It is true, that considerable portions of these payments are to be regarded in the nature of remuneration for services which have been rendered to the public, either by the persons themselves, or their near relatives; and to such as strictly belong to this class, where the duty has been diligently and faithfully done, and for an adequate period of time, and where the persons are so circumstanced as to have strong claims upon the public, no impediment is intended to be objected. But though instances may occur of persons whose claims upon the public are not equally apparent, or easy to be traced, your Committee do not conceive that it is their province to descend into the invidious task of examining particular cases, being desirous of carrying their retrospect no further than may be sufficient to lay a foundation for future reform and regulation.—The words with which this part of the statute, sec. 19. is prefaced, that 'it is no disparagement for 'any persons to be relieved by the royal 'bounty in their distress, but on the contrary, it is honourable on just cause to be 'thought worthy of reward,' point out the grounds upon which the objects of bounty should be selected, and show that it was not intended to allot so large a sum to be distributed through favour, without regard to just cause and desert. But the practice which has been animadverted upon, of granting and charging pensions under the general expenses of separate departments, tends to elude the limitation which was meant to be imposed, and by rewarding in this manner a considerable proportion of the claims of official merit, and long service, to leave a larger amount than was intended for gratuitous disposal.—It must not be overlooked, that in cases of distinguished merit, parliament has ever been ready to exempt the Civil List from any additional burden; and as instances of this honourable description have, fortunately for the country, never occurred more frequently than within these latter years, so the liberality of the nation has been called forth to a larger extent than in any former period.—A further consideration is, that although most of the grants are nominally during pleasure, they are generally regarded as equivalent to an interest for life; and that examples rarely occur where a change in the circumstances of the grantees has occasioned those who have the legitimate controul to abolish, or induced those by whom they are held, voluntarily to surrender them. The footsteps towards royal bounty are visible in all directions, but few traces of return are discoverable.—Under all these circumstances your Committee do not hesitate in submitting to the house, that all allowances in the nature of pensions, which are not strictly superannuations, should be classed under their proper head, and paid at the Exchequer; preserving at the same time entries of such pensions, together with the circumstances under which they have been granted, on the establishment of the offices in which the services have been performed.—It may be also expedient to limit the sums in which allowances may be applied to cases of superannuation, so as not to exceed a certain proportion of the former salary.—The regulations under which superannuations are granted in the customs, No. 67, deserve the attention of the house, as uniting a due consideration towards long and meritorious service, with a just attention to economy.—By a resolution of the house of commons of Ireland, 7th April 1784, no yearly allowance was permitted to be placed on incidents in cases of superannuation, except for officers who shall have served forty years without censure; or officers who shall have received a wound or hurt in the service, amounting to a total disability; or for widows of officers who shall have lost their lives in the service of the revenue: but by a subsequent revision of that resolution, 26th July 1793, twenty-five years were substituted instead of the term of forty years, as being sufficient to answer the purposes of the said resolution, respecting the placing on incidents any yearly allowance for superannuated officers of the revenue, who have already served, or shall have served the said term of twenty-five years without censure.—These general unqualified expressions have been perhaps liable to misconstruction, as if they were calculated to convey a sort of right of superannuation after twenty-five years of service; whereas it is to be presumed that it never could have been the intention of the house of commons to countenance a new claim on the part of the officers, but on the contrary to impose a restraint upon the executive government, from granting any such allowances even to superannuated officers, unless where they had served meritoriously the prescribed number of years, or had otherwise been incapacitated in the public service, as described in the resolution.—The 18th section of the Civil List act makes an exception in favour of persons who have served the crown in foreign courts, and continues to his majesty the power of granting at his pleasure such proportion of their former appointments as may seem expedient, after the expiration of their service. The names of all those who now receive allowances upon this account are contained in N° 63, and the nature and extent of their several services are particularized in N° 64.—The circumstances attending the present war make this list unusually large, at a period when so little of friendly intercourse subsists between this country and the continental powers: the charge therefore amounts to 51,589*l*; besides which an additional list is contained in N° 65, of recommendations from the secretary of state, for further allowances, to the amount of 6,000*l*.—Your Committee conceive, that the true principles which ought to regulate this species of remuneration, can be no other than duration of service, and the importance of the mission, except in very special cases.—It is desirable unquestionably both for the purposes of economy, and for the better execution of the duties of foreign ministers, that a selection should generally be made from among those already upon the list; but it is not intended absolutely to recommend any invariable rule; those who have gone before may be unwilling to undertake, or ill qualified to execute missions of particular delicacy and importance; and circumstances may arise where appointments of individuals to whom such business is entirely novel, ought not to be ascribed to motives of mere patronage or private emolument. Your Committee observe, with satisfaction, that according to the last return, all allowances have been withdrawn in cases of appointments to foreign courts, where service was not, or could not be performed. N° 66.—With regard to the salary and emoluments of each separate department, the public ought unquestionably to be served as cheaply as is consistent with being served with integrity and ability: but it must be recollected, that what makes office desirable, in the higher departments, is not the salary alone, but the consequence and consideration attached to it, the power of obliging friends, and of creating dependants; and, in the lower degrees, the chance of gaining advancement by industry and talent. The principle of gradually increasing salaries after certain periods of service, and at fixed intervals, if they are not made too short, is highly to be approved, as holding out a due encouragement to diligence and fidelity. In all cases of superannuation, duration of service should be an essential requisite: and even then, regard should be had to the condition of each individual, as to his ability of continuing the official labours, and to his situation in life from other causes.—In many instances, where allowances have been granted as compensation for the loss of office, or upon the plea of superannuation, the persons who have obtained them have, at subsequent periods, been appointed to other offices: in both which cases, it is obvious, that the allowances ought to have ceased. The true principle applicable to all offices is, that public money should not be granted without reference to duty; and all exceptions whatever ought to be justified upon the special circumstances attending such particular case.

SINECURES, AND OFFICES EXECUTED WHOLLY OR CHIEFLY BY DEPUTY.

Next in order to pensions, comes an ambiguous and middle class, partaking of the nature of pensions, in as much as no service is performed, but still ranking under the head of offices, from the name of official business having been continued after the functions are become extinct or obsolete. Of these there still remain specimens in various departments, although the labours of parliament have been not fruitlessly employed in suppressing many of them, particularly by the 38 Geo. 3. c. 86. and 47 Geo. 3. c. 12. relating to the Customs, by the former of which 196 places, of the annual value of 42,655*l.* were suppressed in England, and by the latter 38 places of a similar description in Ireland; and also by an act of the present session for abolishing the office of surveyor of subsidies and petty customs in the port of London.—It being difficult to ascertain, without a long and minute examination of evidence, the exact nature of several offices to which active and efficient duties are not annexed, or to draw the limit between such as are sinecures and such as are wholly or chiefly executed by deputy. your Committee have thrown together all which they consider as belonging to either of those classes in the annexed list, submitting it as giving a general view of the several offices therein enumerated; although they cannot answer but that some inaccuracies may be discovered in it, being aware that some of the offices do not distinctly range under either description, while they very much partake of the nature of both. N° 68 to 76, Appx.—The Committee on Finance, in the remarks upon this subject, with which their 22nd report concludes, observe, 'That sinecure 'offices of high rank in some of the ancient 'establishments of the state may be use'fully employed in particular instances, 'as either to accompany a peerage given 'for the reward of personal services, or to 'secure an honourable retreat to persons 'who are entitled to marks of public fa'vour by the long and meritorious dis'charge of the duties of high office, or 'who have sacrificed lucrative professional 'situations on engaging in the public service, by vesting such office in the persons themselves, or in their immediate 'descendants.'—Since the date of that report, his majesty has been empowered by the statute 39 Geo. 3. c. 10. to make provision for life for those who have sacrificed lucrative professional situations, so far as relates to chancellors and judges, on retiring from office; which must be remarked, in passing, as extending the power of granting pensions, and as fairly to be set off against some of the retrenchments proposed. In the peerages subsequently created, your Committee cannot discover that any such application of the sinecures, as was suggested in that respect, has taken place, but that the annexing of pensions by authority of parliament has been not unfrequent.—The view which your Committee take of this subject corresponds in principle, and differs only in degree from that of the former committee; but it is their anxious wish to guard against suffering the subject to escape notice, without being acted upon, while the information is fully brought under observation. If the opinion should prevail, that a legislative measure ought to be no longer deferred with regard to offices of this description, your Committee submit that, leaving untouched all places of honour and distinction connected with the personal service of his majesty and of his royal family, it may be expedient considerably to reduce the emoluments of some, and to abolish others. At the same time, regarding it as a fundamental part of the constitution of this country, and of the reason of state in every country, that there must be means of rewarding public service, and that those means will be incomplete, and indeed wholly insufficient for that purpose, if there should be no further reward for that service than the daily wages it receives during the pleasure of the Crown, your Committee are of opinion that such sinecures as the house in its wisdom may think fit to retain, should always in future be applied to recompence the faithful discharge of the duties of efficient office; or in the event of the house preferring to abolish generally all such offices, they conceive that it will become proper to substitute some other mode, by which the Crown may be enabled to reward public servants in a manner proportioned to the nature and length of the duties performed.

OFFICES EXECUTED BY DEPUTY.

Offices executed wholly or chiefly by deputy, should be arranged with as much regard to economy as the public service will admit; and any offices that have not duty annexed in proportion to the salary should be reformed, and the salary suited to the responsibility and labour of the office.—The list of such offices is extracted from the returns in as complete a state as the examination of them can render it; but it may probably be still defective, for the same causes as have been mentioned under the former head. In applying the principle of retrenchment to this class, your Committee desire to be understood, as recommending it with the same exceptions with which they have accompanied their recommendation in the case of sinecures. Some of the great offices in the exchequer (which are indeed, as far as regards the principals, purely sinecures) being probably among the fittest to be retained, 'for the reward of personal services, or to secure an honourable retreat 'to persons who are entitled to marks of 'public favour, by the long and meritorious discharge of the duties of high office, 'or who have sacrificed lucrative professional situations on engaging in the public service.' Finance Rep. xxi. 19.—It should also be considered, that some of the lucrative offices in our courts of justice, which are in the disposal of the chiefs of the courts, constitute a considerable part of the valuable appendages to those situations, which it concerns the essential interests of the state, still more than its dignity, to have filled by persons who are the most eminent, and best qualified in their professions.

REVERSIONS.

The last general head is that of places granted in Reversion; a power which appears to have been exercised by the Crown with regard to particular departments, for a very long period, without any fixed rule or principle which is discoverable, as guiding its discretion in the original selection: the right therefore rests upon usage, and the extent is limited by no written law.—But although no reason can be assigned for a practice which perhaps must be referred only to accident or temporary accommodation, it becomes obvious that it can never have obtained with regard to efficient offices, without considerable risk of ultimately producing the effect of converting them, so far as respects the principals, into sinecures, or into offices to be executed wholly by deputy.—The chief objections to this method of conveying contingent interests are, that in the first instance of every such grant, a diminution must take place in the permanent prerogative, equal to the difference in value between expectancy and possession; that the appointment of fit and sufficient persons to hold offices, is less likely to be regarded when it is to take effect at a distant and uncertain period, than when a certain notoriety attaches upon the manner in which each vacancy is filled; and it can hardly be disputed that incapacity from age, sex, or natural disability, may be disregarded, in the former case, which could not be tolerated in the latter. It may be further urged, that anticipations of this sort tend to perpetuate inefficient places, and to render any alterations and regulations less effectual, and more distant, which the wisdom of parliament may think fit to adopt with regard to them.—On the other hand, reversionary grants may be defended as a cheap and economical mode of conferring favours, of paying services by expectation, rather than by actual office or pension; and of enabling the crown to draw distinguished talents and eminent characters into the public employ, who, without some prospect of permanent provision for their families, might be unwilling to give up their time and labor, and above all their professional emoluments, upon the hazard of the short and uncertain duration of two things, so precarious in their nature, as office and life.—It must be admitted, that the prerogative will be abridged during the suspension of the power of making such grants, so far as relates to the value of the reversionary right in these particular offices; and no farther. —It is also contended, that grants of this sort have neither been carried to excess, nor become chargeable with actual abuse. —With the view of fairly stating this part of the case, your committee proceed to lay before the house the extent and amount of all subsisting Reversions, some of which will be found to come distinctly within the class of those offices which they recommend to be regulated or suppressed; and with regard to the remainder, they see no cause to depart from their opinion, which was reported to, and adopted unanimously by the house, on the 24th March 1807, thinking it safer to invigorate and restore to an entire state this branch of the prerogative, than to allow that it should continue encumbered by any such anticipations. The right of the crown over its own demense lands was formerly as complete, as its power of conferring offices; and yet the use which was made of that part of its prerogative, occasioned parliament frequently to interpose; and particularly after the crown had been greatly impoverished, an act passed whereby all future grants, for any longer term than 31 years, were declared void.—The misfortune is, as Mr. Justice Blackstone remarks, that the act was made too late, after every valuable possession of the crown had been granted away for ever, or else upon very long leases.—It must not be passed altogether without notice, that reversionary grants have, in some instances, been applied to pensions on the civil list; and it is easy to see to what an extent such a practice might be carried, and how entirely it might exhaust the future means of bestowing the royal bounty, even upon the most deserving objects. Appendix, N^os 77 to 79.

Upon the more general question relating to the prerogative of the crown, as connected with, and affected by, the proposed arrangements, your committee proceed to submit their sentiments to the judgment of the house, trusting that the same disposition which has so often been manifested by parliament, will never be wanting to correct the growth of such abuses as the lapse of time, or alterations in the mode of transacting business, may have imperceptibly introduced into any of the departments of executive government.—The civil list act in 1782, the acts for abolishing certain offices in the years 1798, and 1807, that already referred to of the present session, and many others, afford abundant examples of temperate and judicious retrenchment; nor could the beneficial objects, proposed by the institution of the Committee of Finance in 1797, have been attained, nor can those for which your present committee was appointed, be expected, without interfering, in some degree, with the patronage and influence of the crown.—The subjects which are detailed in this report, have been specifically brought under consideration by the direction of the house; in obedience to which your committee now present them, in the full persuasion that the reforms, which they venture to recommend, may be made without detriment to the public service, and with advantage to the public revenue.—No offices of any description were originally created for the mere purpose of giving lucrative appointments into the disposal of the crown; the fact is, that duties were formerly attached to many places, which a different manner of transacting business, or accidental alterations, have long rendered sinecure; and therefore the patronage of the Crown has, in some cases, been unintentionally increased, by transferring to new offices the business of the old ones, without abolishing the latter, or the salaries attached to them.

Under the words directing 'the names 'and descriptions of the persons to be re'ported, by whom, and in trust for whom, 'all offices, pensions, and emoluments, 'payable out of funds applicable to the 'public service are held,' your committee conceive that the house may be desirous to see at one view, which of these are possessed by their own members; and the subjoined list gives the names of all those who appear so described, upon a careful inspection of the returns. (See below.)—A more compleat catalogue is also given of every office from which returns have been required, than it was possible to make out before the close of the last session, distinguishing those from which none have been yet received: the present report therefore is intended to be substituted for that which was presented in August 1807, and entitled 'The third.' N^{os} 81, 82, 83.—Your committee, having selected such parts of the papers before them as are immediately connected with the subject of this report, have only to lay before the house the remaining mass of information which has been collected in consequence of their precepts, consisting chiefly of all the civil and judicial establishments of the United Kingdom; many of which have been already printed in the reports from the Committee of Finance, without having received any material alterations since that period, which have not been noticed in the returns of increase and diminution of offices, presented from time to time to the house.

EXTRACT from the Appendix. (No. 80.)

LIST of MEMBERS of the House of Commons holding OFFICES, &c. with the Annual Value of such Offices.

Admiralty:—Lords Commissioners,—Vice-Adm. sir R. Bickerton, £.1,000; Capt. W. J. Hope, £.1,000; Robt. Ward, £.1,000; viscount Palmerston, £.1,000; James Buller, £.1,000; hon. W. W. Pole, Secretary, £.4,000, subject to a deduction of ¼ during peace.—Also Secretary to the Commissioners of Charity for Poor Widows, £.160.

Alienation Office:—Receiver General, —Right Hon. Geo. Canning, £.492. *(Vide infra.)*

Auditor of the Land-Revenue for Wales, —Tho. Johnes; Lord Lieutenant of Cardiganshire, and Steward of several manors and lordships belonging to the Crown in that county, £.1,505.

Lord Chamberlain's Office:—Secretary, —J. Calvert; appointed by the Lord Chamberlain, £.1,389.

Clerk of the Parliaments,—Reversion vested in Geo. Henry Rose, £.3,278. *(Vide infra.)*

Exchequer, Teller of,—Hon. W. F. E. Eden, £.2,700.

Governor of the Isle of Wight,—Visc. Fitzharris, for life, £.1,379.

Groom of the Bedchamber to His Majesty,—Hon. Edw. Finch.

India Board, Officers of the; receiving salary from the East India Company only: Right hon. Robert Dundas. *(Vide infra.)* Lord Lovaine; Right hon. Tho. Wallace; Geo. Johnstone, is also a commissioner, but receives no salary. Secretary,—Geo. Holford; paid by the East India Company.

King's Printer,—Andrew Strahan; by patent, for 30 years, from 21st Jan. 1800. No salary annexed to this office; which is paid for the work done as Printer.

Master of the Horse:—Office of First Equerry,—Robert Manners, £.736.

Mint:—Clerk of the Irons and Meltings, —Right hon. Spencer Perceval, £.114. *(Vide infra.)*

Navy Office:—Comptroller,—Sir Tho. B. Thompson, £.2,000.—And a pension of £.500. on account of wounds in service.

Navy Pay-Office:—Right hon. G. Rose, —Treasurer of the Navy, £.4,324; Clerk of the Parliaments, £.3,278; and Keeper of the Records in the Receipt of the Exchequer, £.400.

Ordnance:—Clerk,—Hon. C. Ashley Cooper, £.1,958; Storekeeper,—Mark Singleton, £.1,799; Treasurer,—Jo. Hunt, £.625; and a pension paid out of the sale of old naval stores, £.500. Clerk of the Deliveries,—Tho. Thoroton, £.1,243.

Pay-Office:—Joint-Paymasters,—Right hon. C. Long, £.2,000; and a pension of £.1,500.; suspended on holding any office exceeding £.2,000.—Right hon. lord C. Henry Somerset, £.2,000.—Joint-Deputy

Paymaster,—Lord R. Edw. H. Somerset, £.500.

Privy-Seal:—Principal Clerk,—James Macdonald, £.358.; appointed by the Lord Privy Seal, for life.

Popham, Sir Home Riggs, Pension, and after his death to wife, £.500.

Secretary of State, Foreign Department, —Right hon. G. Canning, £.6,000. *(Vide supra.)*

Ditto, War Department,—Lord visc. Castlereagh, £.6,000.

Under Secretary of State,—Brigadier-General hon. C. Stewart, £.2,000.

Ditto, Home Department,—Hon. Cecil Cope Jenkinson, £.2,052.

Lord Steward's Office:—Treasurer of the Household,—Visc. Stopford, £.1,200. Comptroller of the Household,—Lord Geo. Thynne, £.1,200.

Treasury:—Right hon. Spencer Perceval, £.1,600. *(Vide supra et infra.)* And Chancellor of the Duchy of Lancaster, £.4,525.—Hon. W. Brodrick, £.1,600.; and Pension of £.1,200.; of which £.600 is suspended,—Hon. W. Elliot, £.1,600. —W. Sturges Bourne, £.1,600.

Secretaries,—W. Huskisson, £.4,000.; and colonial agent for Ceylon, £.700.—Pension of £.1,200 for life suspended.—Hon. H. Wellesley, £.4,000.

Vice-Chamberlain to His Majesty,—Right hon. Lord John Thynne.—Ditto to Her Majesty,—Edw. Disbrowe.

War-Office:—Secretary at War,—Right hon. sir James Pulteney, bart. £.2,480.

Clerk of the Supreme Court, Jamaica,—Right hon. sir Evan Nepean, bart.

Secretary and Clerk of the Inrolments, Jamaica,—Hon. Charles W. Wyndham.

Provost-Marshal, Barbadoes,—Thomas Carter.

Members of the House holding Offices in Courts of Justice.

Attorney-General,—Sir V. Gibbs. No return of annual Value.

Clerk of the Declarations, King's Bench, £.187.—Held in trust for W. Lee Antonie, by grant from W. Lee, formerly chief clerk.

Chancellor of the Court of Exchequer, —Right hon. Spencer Perceval, £.2,605. *(Vide supra.)*

Clerk of the Juries, Common Pleas,—Sir Tho. Turton, bart. £.96.

Master of the Rolls,—Right hon. sir W. Grant, £.4,603.

Master in Chancery, J. Simeon, appointed by Lord Chancellor, for life, £.2,149.—Ditto Edward Morris, £.2,083.

Lord Treasurer's Remembrancer,—Snowdon Barne, £.340.

Surveyor of Green Wax,—Visc. Mahon, £.260. And Keeper of Records in Birmingham Tower. *(Vide infra.)*

Judge of the Consistory Court,—Right hon. sir W. Scott, £.170.—Vicar-General, and Master of the Faculties; also Commissary and Official of Canterbury.—And, Judge of the High Court of Admiralty, £.6,524.

Judge-Advocate General,—Right hon. R. Ryder, £.2,500.—And Joint Registrar of the Consistory Court, £.180.

Chief-Justice in Eyre S. of Trent,—Right hon. T. Grenville, £.2,316. Ditto N. of Trent,—Right hon. J. C. Villers, £.2,250.

Judge of Great Sessions, Denbigh and Montgomery,—Fra. Burton, £.850.

King's Advocate-General,—Sir John Nicholl. No return of annual value.—Salary, £.20.

King's Professor of Civil Law, Oxford, for life,—Dr. French Laurence, £.147.

Prerogative Court, Charles Moore, Joint Register, £.3,670.—And Principal Registrar of the Faculty Office, £.440.; appointed by the Archbishop of Canterbury.

Judge of Great Sessions, Merioneth, Caernarvon, and Anglesey,—Hugh Leycester, £.770.

Solicitor-General,—Sir Thomas Plumer. —And Justice of Great Sessions for Merioneth, Caernarvon, and Anglesey, £.750. —And King's Serjeant, Duchy of Lancaster.

Members of the House holding Offices in Scotland.

Keeper of the Signet,—Right hon. Rob. Dundas, £.2,069.

King's Remembrancer, Court of Exchequer,—Sir P. Murray, bart. £.500.

Presenter of Signatures, Court of Exchequer,—Sir James Montgomery, £.789.

Lord Advocate,—Archibald Colquhoun, £.1,500.

Solicitor-General,--David Boyle, £.600.

Members of the House holding Offices &c. in Ireland.

Treasury:—Right honourable J. Foster, £.3,101.—Annuity for life, by Irish Act, 40 Geo. III. £.5,038.—Sir G. F. Hill, £.1,200.—Annuity, by said Act, of £.2,265.; and Recorder of Londonderry,

£. 60.—J. Barry, £. 1,200.—C. Vereker, £. 1,200.—Hon. T. H. Foster, £. 1,200.—Secretary to Chancellor,—J. Leslie Foster, £. 433.

Chief Secretary,—Right hon. sir Arthur Wellesley, K. B. £. 6,566.

Muster-Master General, jointly with Marq. of Drogheda,—W. Bagwell; salary £. 4,107. Fees suspended, £. 641.

Vicar-General, Armagh, appointed by Primate, for life,—Patr. Duigenan, LL. D. £. 108.; and Judge of the Prerogative Court.

Consistory Court, Dublin: — Official Chancellor, &c.—Patr. Duigenan, LL. D. £. 349. Appointed by Archbishop of Dublin, for life.

Keeper of Records in Birmingham Tower, by patent, for life,—Visc. Mahon, £. 431.; and Surveyor of Green Wax. *(Vide supra.)*

Prothonotary's Office:—Lord Robert Seymour,—Joint-Keeper of the Writs, &c. for life, by patent, £. 12,511.

Crown-Office:—Lord Rob. Seymour,—D° jointly with Lord H. Seymour, £. 427.

Filazers Office:—Lord Robert Seymour,—D° £. 1,105.

Keeper of the Signet,—Right hon. C. Abbot, Speaker, £. 1,500.

Quarter-Master General,—Brig. Gen. W. H. Clinton, £. 2,507.

Chief Remembrancer, Court of Exchechequer,—Hon. W. W. Pole, jointly with Marquis Wellesley, £. 4,201.; and Sec. to the Admiralty. *(Vide supra.)*

Teller of the Exchequer,—R. Neville, £. 2,195.

Right hon. Geo. Ponsonby, as late Lord High-Chancellor, pension of, £. 4,000.

One of the Joint Solicitors in Great Britain,—W. H. Fremantle, £. 391.

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